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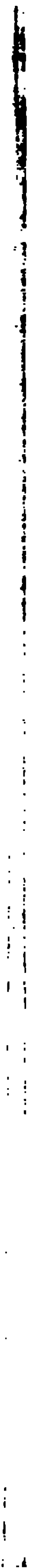
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TRANSACTIONS
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INTERNATIONAL PENITENTIARY CONGRESS
HELD IN LONDON, JULY 3-13, 1872

LONDON: PRINTED BY
SPOTTISWOOD AND CO., NEW-STREET SQUARE
AND PARLIAMENT STREET

PRISONS AND REFORMATORIES

AT HOME AND ABROAD

BEING

THE TRANSACTIONS

OF THE

INTERNATIONAL PENITENTIARY CONGRESS

HELD IN LONDON JULY 3-13, 1872

INCLUDING

*OFFICIAL DOCUMENTS, DISCUSSIONS, AND PAPERS
PRESENTED TO THE CONGRESS*

EDITED, AT THE REQUEST OF THE INTERNATIONAL COMMITTEE, BY

EDWIN PEARS, LL.B.

BARRISTER-AT-LAW

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PREFACE.

THE 'International Congress on the Prevention and Repression of Crime, including Penal and Reformatory Treatment,' was opened in the Hall of the Middle Temple by an address from the Right Hon. the Earl of Carnarvon on July 3rd last, and continued its sittings daily till the 13th of the same month.

The object of the Congress was declared to be 'to collect reliable prison statistics, to gather information, and to compare experience as to the working of different prison systems, and the effect of various systems of penal legislation; to compare the deterrent effects of various forms of punishment and treatment, and the methods adopted both for the repression and prevention of crime.' How far this object has been attained will be best seen by reference to the following pages.

The proposal to hold such a Congress came from the Government of the United States. That Government, having concluded that a conference on prison questions might usefully be held, made careful inquiries in order to learn whether Paris, Geneva, Berlin, or London would be the most suitable place for holding it, and finally selected London. A joint resolution was passed by the two Houses of Congress approving the proposal, and authorising the President to appoint a Commissioner. General Grant, in the exercise of this authority, placed the commission in the hands of Dr. Wines. Mr. Secretary Fish addressed a circular letter to each of the diplomatic representatives of the United States in Europe, requesting them to render such facilities and aid as they could in the prosecution of the object in view. Dr. Wines, in the execution of his commission, visited Europe in 1871, and his mission to its several Governments was everywhere favoured. To his indefatigable energy and continuous

industry the success of the Congress is in great part due. During his visit to England in November 1871, an English Committee was formed to aid in the preparations for the Congress. It included in its list persons belonging to all political parties. Lord Carnarvon was at its head. Its duties were confined to preparations in England for the Congress. Similar committees were formed in almost every other country. When the Congress met, most of these committees sent representatives, in addition to those who were officially commissioned by their Governments. The foreign members of the Congress thus consisted of official delegates and of private persons representing national committees.

The meeting differed in some important particulars from any which has preceded it. It was a gathering of experts from nearly every civilized nation on one special set of questions. Twenty-two States were officially represented, including every European nation except Portugal, together with the United States, Mexico, Brazil, and Chili; Victoria and other British colonies were either represented or supplied information. The official delegates were in almost every case prison officials of high and usually of the highest standing, and of the greatest authority on criminal questions in their respective countries. Thus there were present the director-generals of prisons of most European countries. Sixty representatives attended the Congress from the United States, including two judges of the Supreme Court, and a number of gentlemen who had had special experience in prison management, the prevention of crime, or the working of criminal jurisprudence. In addition to those actually concerned in prison or reformatory management, there were professors of criminal law, and members of the legislative assemblies of England, the United States, Germany, France, and Holland, who are devoting attention to the set of questions which came before the Congress.

Those invited to take part in the Congress by the English Committee were the representatives of benches of magistrates, of prisons, reformatories, prisoners' aid societies, or other public bodies. It was thus a gathering of persons, most of

whom were experts in the questions under discussion. Hence it was that the discussions in many instances brought into prominence a great variety of details rather than mere generalities of prison and reformatory management, about which most of those present were too well informed to be willing to spend time in discussion.

The arrangement of the programme for the Congress was made by an International Committee consisting of one representative from each nation represented. Of this Committee Mr. G. W. Hastings was unanimously appointed chairman. It was thought well by the International Committee not to occupy the time of the Congress by the reading of papers, but to leave such accounts as each country had prepared, together with the papers which had been contributed, and a full report of the discussions, for publication in the volume of Transactions. At the request of the International Committee, I undertook to edit this volume.

The International Committee gladly acknowledged the great obligations they were under to the English Committee for the work of preparation for the Congress. This Committee was presided over by the Right Hon. Sir Walter Crofton, C.B.

During the course of the Congress an interesting lecture was delivered on the life and labours of Howard by the Rev. Dr. Bellows, of New York.

The Congress was fortunate in having the hall of the Honourable Society of the Middle Temple as its place of meeting. No more suitable building could have been found. For permission to use it the English Committee was indebted to the kindness of the Treasurer, Sir Thomas Chambers, Q.C., M.P., and the benchers of the society.

The International Committee received during the Congress congratulatory addresses from the General Synod of the Reformed Church of France; from the Yearly Meeting of the 'Society of Friends' in America; and from the Reform League of New York. The latter two contained suggestions which were considered by the Committee.

At a *soirée* given by the English Committee to their foreign

visitors, H.R.H. the Prince of Wales expressed his interest in the work of the Congress by attending. The Right Hon. Austin H. Bruce, M.P., H.M. Secretary of State for the Home Department, took the opportunity of attending the Congress, and of giving an official welcome to the foreign visitors. His remarks are given on p. 530-2. The foreign members of the Congress are also indebted to Mr. Bruce for the fullest possible opportunities of visiting the various prisons in these kingdoms, and of making themselves acquainted with their working, opportunities of which most of the prominent foreign members gladly and systematically availed themselves during two or three weeks, and in some cases longer, after the Congress. The Congress terminated with a dinner given in the hall of the Middle Temple, at which all the foreign visitors were invited guests. At this the Right Hon. Sir John S. Pakington presided, and thereby added one more to many labours he had undergone to make the Congress a success.

It will, of course, be readily understood that neither the English nor the International Committee is responsible for any of the opinions expressed in these pages.

Of the present volume I have little to say, except to express my opinion that there has never been brought together such a mass of perfectly unique matter on all questions relating to prison discipline and treatment. It may fairly claim to be the most important contribution to this department of comparative criminal jurisprudence that has yet been made.

EDWIN PEARS.

1, ADAM STREET, ADELPHI, W.C.
November 25, 1872.

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TRANSACTIONS
OF THE
INTERNATIONAL CONGRESS
ON THE
PREVENTION AND REPRESSION OF CRIME,
INCLUDING
PENAL AND REFORMATORY TREATMENT,

LONDON, JULY 3 TO 13, 1872.



PART I.

THE READER is requested to note :—

1. That this part contains answers furnished officially by the governments of the respective countries whose names are appended to them, to a uniform set of questions submitted by the United States Commissioner.
2. That in the case of Denmark, Italy, the United States, and Saxony, a different arrangement has been adopted in consequence of a modification of the original form suggested in a circular letter from the United States National Committee.
3. That the order of arrangement of the countries is alphabetical, except that the smaller States of Germany are placed under the head of Germany.
4. That to save space the questions are printed separately, immediately following these memoranda, and instead of being repeated in the case of each country, the answers only will be given with numbers referring to the questions.

QUESTIONS

**TO WHICH ANSWERS WERE REQUESTED BY EACH OF THE GOVERNMENTS
REPRESENTED AT THE CONGRESS.**

1. Are all the prisons in your country placed under the control of a central authority? If so, does this authority absorb all the powers of administration, or does it share them with local authorities, and in what proportions?

2. What is the classification of your prisons ?

3. In what proportions are the cellular and associated systems of imprisonment applied in your country ?

4. What results have been obtained, severally, from these two systems ? Which of them do you prefer, and what are the grounds of your preference ?

5. From whence are the funds for the support of the prisons obtained ? What proportion of these funds are yielded by the labour of the prisoners ?

6. Who appoints the directors and other officers of the prisons, and what is their tenure of office ?

7. What special abilities and qualifications do you consider necessary in prison officers ? Are the qualifications judged requisite actually possessed by the greater part of these officers in your country ?

8. Have special schools been established in your country for the education of prison officers ? If such institutions do not exist, would you favour their establishment, and why ?

9. What pension is accorded to prison officers who have become incapacitated by age or otherwise to fulfil the duties of their office ?

10. What is the exact difference between sentences to imprisonment, to reclusion, and to hard labour ?

11. Does there exist in your prisons a system of classification of the prisoners ? If so, how is it applied, and what are its results ?

12. Can prisoners, by good conduct and industry, shorten their terms of imprisonment, and how is this reduction effected ?

13. Do your prisoners share in the earnings of their labour ? If so, in what proportion ?

14. What other rewards, if any, are employed to stimulate the zeal of the prisoners ?

15. What prison regulations are most frequently violated ?

16. What disciplinary punishments are employed in your prisons ?

17. Is an exact record kept of these punishments ?

18. Are chaplains provided in all your prisons, and for prisoners of all the different religions ?

19. What, in general, are the duties of the chaplains ?

20. What importance do you attach to religious instruction as a means of reforming prisoners ?

21. Are persons of both sexes, apart from the administration of the prisons, permitted to labour for the moral amelioration of the prisoners?

22. Do Sunday-schools exist in your prisons?

23. How often are your prisoners permitted to write and to receive letters?

24. Is the correspondence of the prisoners with their friends found to produce, upon the former, a good or evil influence?

25. Are the prisoners allowed to receive visits from their friends?

26. How are these visits regulated? Is there between the prisoner and the visitor an officer charged with listening to their conversations, or is such officer only employed to observe their persons without interfering with the privacy of the interview?

27. Is the moral influence of these visits good or bad?

28. What is the proportion of prisoners who are able to read at their commitment?

29. Do schools for secular instruction exist in your prisons?

30. On what conditions and in what proportions are prisoners permitted to attend these schools?

31. What branches of learning are taught in the prison schools, and what progress is made therein?

32. Are libraries found in your prisons? What is the general character of the books composing them?

33. Do prisoners read much? What books do they prefer? What influence does their reading exert upon them?

34. Are your prisons provided with a good system of sewerage?

35. How is the water-supply, as respects both quantity and quality?

36. Are your prisons well ventilated?

37. What means are provided to insure the cleanliness of the prisons?

38. How is the cleanliness of the prisoners assured?

39. How are the water-closets arranged?

40. What system is adopted for lighting the dormitories and cells?

41. How are your prisons heated?

42. Of what material are the prisoners' beds made?

43. What bedding is provided for them?

44. What are the hours of labour, of recreation, and of sleep?
45. Where and how are the diseases of prisoners treated?
46. What diseases are most frequent?
47. What is the average proportion of the sick?
48. What is the average death-rate?
49. Is there a distinction made in your prisons between penal and industrial labour? What kinds of labour are adopted in the different prisons?
50. Is the deterrent effect of penal labour conspicuous, as shown by the diminished number of relapses?
51. What is found to be the moral effect of penal labour upon the prisoners?
52. What is the effect of penal labour upon the health of the prisoners?
53. Is industrial labour in your prisons conducted by contractors or directed by the administration itself?
54. Which of these two systems do you prefer?
55. If there are different systems of contracting for the labour of the prisoners, which do you prefer?
56. What proportion of your prisoners are ignorant of a trade at the time of their committal?
57. Do the prisoners learn a trade while in prison?
58. Is it regarded as important that the prisoner, during his incarceration, be taught the art of self-help, and how is this result sought to be attained?
59. Is the frequent repetition of short imprisonments for minor offences found to produce a good effect?
60. What is the proportion of recidivists (reconvicted offenders)?
61. Are recidivists sentenced to severer punishments than first offenders?
62. Does imprisonment for debt 'still exist in your country? If so, do imprisoned debtors receive the same treatment as imprisoned criminals?
63. What, in your opinion, are the principal causes of crime in your country?
64. In what proportion are the two sexes represented in your prisons?
65. Is the reformation of the prisoners made the primary aim in the prisons of your country?

66. As a matter of fact, do your prisoners in general leave the prison better or worse than they entered it?

67. Are efforts made to aid liberated prisoners in finding work, and thus saving them from a relapse? How is this done, and what results have been obtained?

68. Do prisoners' aid societies exist in your country? Are they numerous and active? What results have been accomplished by their labours?

69. Are you satisfied with the penitentiary system of your country? What defects, if any, do you find in it? What changes or modifications would you wish to see introduced?

THE ACTUAL CONDITION OF THE PRISONS OF VARIOUS COUNTRIES.

AUSTRIA.

These answers relate to the Prisons of all the States represented in the Austrian Reichsrath.

1. All the prisons of Austria are under the jurisdiction of the Ministry of Justice, which, however, shares its power of administration with local and intermediate (*mittal*) authorities in such a manner that all matters of minor importance, which are also the most numerous, are attended to by the local, and the more important by the intermediate authorities, whilst only the most important are submitted to the Ministry of Justice for decision. The *local* authorities of each prison consist of the directors, and of the official district-attorneys (*Staatsanwälte*), and district judges who aid them in their local inspections. The intermediate (*Mittelbehörden*) authorities consist of the higher district-attorneys (*Oberstaatsanwälte*), of the higher district courts in whose district the prisons are situated. For the prisons of the supreme courts, the directors of the courts act as local, and the presidents of the respective upper district courts as intermediate authorities. In prisons where the cellular system is used, the inspection is made by commissions created in accordance with an Act passed on April 1st, 1872, consisting of the president of the nearest supreme court district-attorney (*Staatsanwälte*), a judicial councillor, and two persons not in the service of the State. This commission has to visit

the cellular prison at least once a month, and its orders can only be interfered with by the Ministry of Justice.

The Ministry of Justice, as the central authority over all prisons, is by law empowered to appoint an official from its office as the representative of the Minister of Justice, and to entrust him with the supervision and guidance of all prisons. Since July 1867, however, an Inspector General of Prisons has been appointed.

2. The prisons are divided thus: (a) Prisons for persons sentenced to more than one year of imprisonment. (b) Prisons for persons sentenced to less than one year, which are also used for persons convicted of lighter offences. (c) Prisons of the district courts for minor offences. Separate prisons are used for men and for women.

On the 31st of December 1871, there were in the twelve prisons for men, of class (a) 8,881 prisoners, and in the six prisons for women, 1,539 prisoners. In the sixty-two prisons of class (b) there were 6,405 men, 698 women. The number of prisoners in the prisons of class (c) of the criminal courts is not published.

3. Till quite lately only the associated system of imprisonment existed. The existing law of May 27, 1852, still allows the use of the cell as an additional punishment. But a proposal laid before the Reichsrath by the government in the year 1867 for a new criminal law contained the proposal that all punishments of every kind, so far as the existing buildings would permit, should be carried out on the cellular system. This was adopted by the House of Deputies of the Reichsrath on July 19, 1867. All new buildings since that time have been arranged in such a manner that associated imprisonment might be combined with cellular; so that, leaving out short imprisonments, which might be undergone entirely in cells, every prisoner should as a rule spend the first part of his imprisonment, a period of at least eight months, in a cell; the rest of his imprisonment being carried out on the collective system, regard being had to a strict classification, and to gradually bettering his treatment and preparing him for liberty.

There are at present at Gratz, in a prison with room for 400 prisoners on the collective system, 250 cells.

A second cellular prison is being built at Stein. This will have room for 800 men on the collective system, and 348 cells

will be built; a third cellular prison is being made for 63 prisoners at the penal establishment of Karthaus. Lastly, there will shortly be commenced the building of a new prison for males at Pilsen, which is to hold 378 cells, and have room for 456 prisoners on the collective system.

Of the prisoners belonging to class (b) only that of the court of Cilli has been furnished with 50 cells.

From this it will be seen that the cellular system has been employed only on a small scale. In prisons mentioned above, however, one-third of the prisoners will pass the whole of their term in the cells, whilst the other two-thirds will pass at least the first eight months of their sentences there.

In accordance with the spirit of this arrangement cellular imprisonment was regulated by the law of April 1st, which amongst other matters limits the duration of it to three years, excludes imprisonment for life from the cellular system, and fixes the reckoning of cellular and collective imprisonments in such manner, that as soon as a prisoner has passed three months uninterruptedly in isolation any two days passed after that entirely in a cell are to be counted as three in the term of his sentence.

4. Our experience is that collective imprisonment prevents individual treatment, and therefore also the improvement of prisoners, nay, that it makes a great number of convicts worse instead of better. This is especially the case in country prisons, where almost all the prisons are very old, and constructed with large bed and workrooms. It is more difficult to keep up a strict discipline, and to carry out sanitary arrangements under the collective system than under the cellular. Although as yet the experience gathered regarding cellular imprisonment in Austria is small, yet it cannot be denied that it is free from the above-named objections.

On the other hand, the isolated system has this disadvantage, that it breaks the prisoner's will and makes him weak-willed, especially during a long term of confinement. It thus unfits him for withstanding successfully the temptations surrounding him on his return to society. Difference of culture also gives a wide difference of result with the cellular system, and many men are utterly unfitted for isolation. Considering these facts, and the difficulty of erecting within a short time so many new cell-

prisons, the Government thought it wise to choose a middle course, and to combine the two systems.

5. The funds for the support of the prisoners come from the State. Here and there, however, there exist small endowments in land or money, revenues of which are applied for that purpose. In Vienna there exists an old arrangement, by which all theatres and exhibitions must contribute an annual fixed sum, of which half is paid for poor relief, and the other half to the prison funds of the province of Lower Austria. The prisoners are by law obliged to pay the actual cost of their keep out of their own property. That part which goes to the State is set off against the amount received for prison labour. In the year 1869, the sum paid to the State as the product of prison labour only amounted to the fifteenth part of the sum spent on prisons by the Government.

6. The Ministry of Justice appoints the direction of the prisons for men, the inspectors of the prisons for women, the superintendent of the financial department of the prison, the book-keeper, chaplain and doctors.

The appointment of officers, teachers, and inspectors of subordinate officers and warders depends upon whether the prison belongs to class (b) or to class (a). In the former case it is the district attorney, in the latter the president of court who appoints. Wardens are appointed by the local authorities.

The tenure of office is, as with all servants of the State, without limit.

7. Prison officers, besides a technical knowledge of their special administration, should possess a good general education, have experience of life, knowledge of human character, firmness, and a serious and humane spirit. The greater number of the officers employed at the present time in Austria are men of this character.

8. Special training-schools for prison officers do not exist in Austria. They might be so far dispensed with as the above-mentioned capabilities and characteristics can scarcely be acquired in any special school, but are rather the result of a general education and experience in the school of life. So far as regards the necessary experience for a prison officer, it may be acquired by a practical temporary service in a prison. As in every larger prison there are one or more officers who before

their promotion to posts where independent action is required, have had opportunities to make themselves acquainted with the prison service, there will always be opportunities of filling the higher offices with practically trained men.

9. The directors and officers of State prisons receive when incapacitated the same pensions as the other servants of the State. These pensions are : After more than ten years of service one-third, twenty years, one-half, thirty years, two-thirds, forty years, the whole of their last salary.

If an officer before serving ten years becomes incapacitated, he receives once for all a sum of money equal to his last year's salary. If he has become incapacitated by the service, as if he become insane or blind, he receives a pension of one quarter or more, according to circumstances, of his last year's salary.

10. Sentences of imprisonment are divided into (a) simple or strict imprisonment for serious offences, (b) simple or strict detention for less serious offences.

The punishment of imprisonment consists of the prisoner being obliged to conform, in respect to clothing and food, to the rules and regulations of the prison, and doing work allotted him. Only political criminals are absolved from compulsory labour and from wearing prison clothes, which last favour is also granted to persons who suffer simple imprisonment.

By the punishment of strict detention, which corresponds probably to ordinary imprisonment of other countries, the prisoner is indeed treated, in respect of food and labour, according to the regulations of the prison, but he is not only excused from wearing the prison dress, but the work given him is of a light description.

Simple detention arrest, lastly, means merely the locking up of the prisoner, who has the right to pay for his own food and choose his own occupation.

11. In all prisons where the collective system is followed, there exists in the dormitories a classification of prisoners. For this division, which should be extended to the time and place where the prisoners take their exercise, the guide to be followed is age, education, state of mind, former life, and the kind of crime committed. Youthful criminals, in particular, should not be made worse by contact with older and hardened convicts. Educated prisoners should not be thrown together

with low and rough fellows. The success of this arrangement has hitherto been almost a negative one because it has rather shown the evil consequences of the collective system than positive results of improvement.

12. Prisoners can by good behaviour and industry only so far contribute to a shortening of their terms of imprisonment as they would thereby furnish reasons for being leniently dealt with.

According to Austrian custom, a number of prisoners who have undergone the greater part of their terms of imprisonment and have given solid proofs of their improvement, are recommended periodically for pardon to the emperor.

13. The prisoners receive a share of what is earned by their work. In cases of private contracts all costs and expenses are deducted from the sum received, and of the rest the prisoners receive one half as their share.

In work for the account of the prison, the prisoners receive a share according to a fixed tariff, which share amounts to about the same as that for private contract. An increase in their share can only be procured when the quantity of the work increases greatly, or when contractors, on account of the special quality of some of the prisoners' work, deposit a premium with the prison direction. All this refers only to prisons on the collective system. In the prison of Gratz, in which the cellular confinement is partly used, and where each prisoner has his daily fixed work prescribed, the progressive system has been introduced, the prisoner, according to the measure of his industry, and regard being had to the class to which he belongs, having a sum of from two to six Kreuzer written to his credit for every satisfactory day's work, and at the end of the month so much more as is the value of work done over and above what is prescribed.

14. Besides the above-mentioned rewards or earnings, the prisoners are permitted, in order to stimulate their industry, to spend one-half of what stands written to their credit (though never more than from sixty Kreuzer to one florin twenty Kreuzer per week) in buying such articles of consumption as milk, coffee, wheaten bread, cold meat, ham, wine, beer, or tobacco, or they may spend it in support of their family, or lay it out in buying such clothes as they will want when leaving the prison. These arrangements have hitherto worked well.

15. The most frequent violations of prison rules are disobedience or rude behaviour towards the prison officers, infractions of their duties towards their fellow-prisoners, and refusal of or negligence in work.

16. The disciplinary punishments employed are: (a) A rebuke, either in private or before the other prisoners; (b) The giving of work either disagreeable, heavy, or such for which the pay is small; (c) Temporary privation of favours, such as the buying of extra food, withdrawing permission to correspond, etc., etc.; (d) A diet of bread and water. This, however, is not given oftener than on three alternate days in the week; (e) irons; this, however, is only done in the case of a particularly obstinate and violent prisoner, or one who incites others, or who has made an attempt or preparations for flight. This punishment is only employed when cases of great necessity require it; (f) Hard bed, that is, sacking instead of a straw mattress, or bare boards; not oftener, however, than on three alternate days of the week; (g) Imprisonment in a cell with proper employment, and at least two visits every day from a prison officer. This punishment does not extend over a month, and a month also must elapse before the same prisoner may receive this punishment again; (h) Confinement in a dark cell for a period not exceeding three days. A week must elapse before the same prisoner can be put again into the dark cell. A prisoner may only undergo this punishment fourteen days in the year; (i) Removal into another part of the prison.

Besides these punishments the director of the prison may order the isolated confinement of any prisoner where it may seem to him absolutely necessary, either on account of a prisoner exhibiting great cunning, great moral degradation, or jeopardising physically or morally the other prisoners. For a crime committed in prison the offender is sent before the country or district court of justice. The disciplinary power over prisoners from the criminal courts (*gerichtliche*), is exercised by the president of the court. He is by law empowered to punish prisoners violating the rules of the house by putting them in chains, stopping their food, ordering the hard bed, isolated confinement, or dark cell. These punishments can, however, only be inflicted under similar restrictions to those just mentioned.

17. Not only are exact records kept of these punishments, but they are also entered in the memorandum reserved for each prisoner.

18. In the prisons of all kinds, chaplains and teachers of religion are provided for every denomination, of which there are a great number, among the prisoners. As by far the greater number of these belong to the Roman Catholic faith, one, or according to circumstances, more Roman Catholic chaplains are attached to each prison. If there are a great number of Greek Catholics, or Protestants, chaplains of these faiths are appointed. If the number of prisoners of any particular denomination does not amount to more than fifty, they are under the care of ministers who are not appointed as chaplains, but who periodically visit the prisons.

19. The duties of the chaplains are : to hold divine service, to administer the Sacrament, to give religious instruction, and through the awakening of the moral sense to aim at reformation. For this purpose they are bound not only to see the prisoners at church or school, but to have intercourse with them at other times, to influence them, to guide their reading, and to strengthen them by advice and spiritual counsel when they leave the prison.

20. Religious instruction is with the greatest number of prisoners the most effective, if not the only means, to make them acquainted with the principles of morality, and to rescue them from a state of moral degradation.

Many prisoners have, through crime and its consequences, lost heart, and have fallen into despondency and even despair, which renders them incapable of raising themselves by their own exertion. This depressed state of mind renders the prisoner callous to everything. With these unfortunates religion alone is capable of reconciling them to God and the world. It alone is capable of banishing that loss of all hope which has driven so many a criminal to continue his course of crime. Religious instruction is therefore indispensable for the improvement of prisoners.

21. Persons unconnected with the prisons (volunteers), were formerly not admitted. But the law of April 1st, 1872, permits members of such societies as occupy themselves with the care and improvement of prisoners to visit the cell-prisons.

22. Sunday-schools may be said to exist only so far as in most prisons on all Sundays and Church festivals, popular lectures are delivered on various subjects of general interest, at which the prisoners in turn are present.

23. With the permission of the prison director, the prisoners may at certain times write to their friends and receive letters from them. Every such letter is examined by the director, and must be countersigned by him.

24. The effect of correspondence upon the prisoner has almost always been good. It maintains the relations still existing between himself and his family and friends, and counteracts the evil influences arising from the society of his fellow-prisoners. For many prisoners, especially for those suffering isolated confinement, correspondence with their friends is almost their only comfort.

25. Prisoners may, with the consent of the governor, receive from time to time visits from their families or friends, if these stand in good repute, and if there be otherwise no objection to their seeing each other.

26. These visits take place in the conversation room, and always in the presence of an official. Sick prisoners may exceptionally be visited in the infirmary or in their cells. In every case the conversation must be carried on in a language understood by the official present, and only on such subjects as the latter thinks fit. Visits must never last longer than half an hour.

27. The moral effect of these visits is generally good. The same conditions exist as in the case of correspondence.

28. Taking the prisons generally, the number of prisoners able to read on their entrance into prison were :—

		per cent.	per cent.
In 1868	. . . . .	men, 58·5	women, 49·0
In 1869	. . . . .	„ 65·5	„ 51·5
In 1870	. . . . .	„ 62·0	„ 50·0
Average	. . . . .	62·06	50·16

Taking the prisons of each country during the same period, the numbers are as follows :—

		per cent.	per cent.
Austria	. . . . .	men, 85·4	women, 77·6
Bohemia	. . . . .	„ 79·4	„ 49·6

	per cent.	per cent.
Moravia and Silesia	men, 80·1	women, 63·7
Styria	" 57·9	
Carinthia	" 57·5	
Seacoast country, South Tyrol, and		" 37·8
Dalmatia	" 36·5	
Galicia	" 9·6	" 4·8

29. All prisons are, as a rule, provided with schools.

30. All prisoners of an age in which instruction may be received, and who have no or only a defective knowledge of the subjects taught in the National Schools, are bound to attend school. As the limit of the time up to which instruction can be imparted, the thirty-fifth year is named.

31. The subjects taught are :—

Religion, reading, writing, and arithmetic, composition, the elements of natural history and physics, of geography and history, drawing and geometry. The last two subjects, however, are only taught in prisons in which advanced pupils are found, who are particularly fitted for receiving such instruction. Besides this, in all the prisons for men, regular instruction in vocal and instrumental music is given, but only to such prisoners as possess musical gifts, and who, on account of their good behaviour, have received permission to attend these classes. The progress made in the schools is, on the whole, satisfactory, as 50 per cent. go through the course with perfect success, 25 per cent. with partial, and only 25 per cent. leave school and prison without having attained any proficiency.

32. Libraries have existed in the prisons only during the last few years. The works selected are, besides those of a religious character, popular works on history, geography, natural history and physics, husbandry, technical subjects and political economy; books of an entertaining and instructive character, as biographies of celebrated men, accounts of travels, description of customs and manners, and moral tales.

33. The use of the library is constantly increasing. Those who are able to read receive books for themselves; for those in collective confinement who are unable to read, readers are appointed. Preference is generally given to tales, travels, and biographical sketches. Only prisoners of some education ask for books of a higher standard. The influence of this reading is exceedingly good, not only because the keeping of order and

quietness is thereby greatly assisted, but because the mind of the reader is withdrawn from his everyday life, directed to new objects, stirred to higher and better thoughts, and thereby unconsciously ennobled.

34. The system of drainage gives only in very few prisons occasion for complaint. If there are certain failings in this matter, these occur only in old buildings not originally designed for prisons.

35. The quantity of water supplied differs according to the individuality of the prisoner and the season. In the cellular prison each prison has every day three supplies of fresh water for drinking, each supply being one Austrian measure (=1.4151 litre). The quality of the water is nearly everywhere good. In the southern countries the water during the hot season is not quite so good as might be wished, as many prisons there draw their whole supply from cisterns. In these the prisoners receive for the improvement of the water a certain quantity of vinegar.

36. Most of the prisons are well ventilated.

37. In order to keep the rooms clean, they are thoroughly cleansed and painted every year. The rooms and corridors where the prisoners assemble are daily cleaned, and the floors scrubbed with sand and water at least once a month. The cleansing and disinfecting of water-closets takes place every day.

38. The prisoners on rising have to wash their faces and hands, comb their hair, and brush their clothes. Prisoners who have to do dirty work must wash their hands and face as often as is necessary. The body-linen is changed every Saturday night or Sunday morning, at which time too the prisoners have to clean their boots thoroughly and grease them. The cleaning of clothes and bedding takes place while the prisoners are taking their exercise. The bed-linen is changed once a month. The prisoners also take baths from time to time—they must have at least four during the year.

39. Prisons under the collective system are furnished with portable closets, which are placed behind a boarding in the prison-room, or between the double doors of the entrance, and when they are to be cleaned must be taken through the

prison-room. Only where the work-rooms are very large there are closets placed in the immediate neighbourhood of these rooms. Under the cellular arrangement each cell has a closet, which stands under a ventilator reaching over the roof. This closet can be drawn into the cell and pushed out again for cleansing purposes through a door.

40. The dormitories and cells are lighted either by gas or oil; most of them by the latter.

41. The heating of the prison-room is done partly by iron stoves, partly by hot air. All cell prisons are heated by air, with an arrangement which prevents the air from being deprived of the necessary quantity of moisture.

42 and 43. The bed of a prisoner in health consists of a straw sack or straw mattress, a pillow stuffed with straw or African forest-hair (*grain d'Afrique*), of a single, or when season or climate requires it, double blanket and two sheets. The sick prisoners have the same beds as the others, but the linen is finer, and besides the blanket the patient receives a cotton coverlet sewn in linen. The bedsteads are mostly of wood, though in some prisons they are of iron.

44. The prisoners rise on Sundays and holidays at six o'clock, on other days at five during the warmer, but at 5.30 during the colder season, and retire every evening at eight. The fourteen and a half or fifteen hours for work, etc., are spent thus: one hour and a half for religious service, and walking in the open air, two hours and a half for meals and rest in the prison-rooms or corridors, ten and a half or eleven hours for work. Prisoners who visit the school spend in it two hours of the time given to work on the days when there is school.

45. Sick prisoners are taken to the infirmary of the prison, and there cared for according to the instructions of the doctor. The latter is guided in his orders by the rules and regulations of the prison which concern sick prisoners, but in cases where it becomes necessary he has the right to order such medicines and articles of consumption as he deems fit to prescribe. The nursing of the sick is confided to prisoners who show themselves worthy and fit for such confidence. These nurses are placed under the control of the officer of the infirmary. Prisoners who only suffer from temporary ailments may, if the doctor thinks it right, be treated in the place they generally

live in. Prisoners suffering from insanity are taken to the public lunatic asylum.

46. The diseases most prevalent among prisoners are those of the respiratory and digestive organs, and diseases of the skin and of the cellular textures. During the years 1868; 69 and 70, the sick suffered at an average from the following diseases :—

	per cent.	per cent.
Respiratory organs . . .	men, 22·7	women, 35·5
Digestive organs	„ 21·2	„ 17·9
Skin diseases, and diseases of		
Cellular Texture	„ 17·3	„ 11·6

Included among the diseases of the skin and of the cellular textures is scurvy, which, however, only makes its appearance in the prisons for men, and was at the rate of 9·2 per cent. of all diseases.

47. The average number of sick during the year 1870 and 1871, was as follows : In prisons of class (a) 5·8 per cent. of men, 6·2 per cent. of women; of class (b) 5·8 per cent. of men, 9·8 per cent. of women.

48. During the last two years the cases of death were as follows : (a) In the ordinary prisons, class (a) 3·3 per cent. of men, or 33 per thousand; 3·8 per cent. of women, or 38 per thousand. (b) In the prisons of the supreme courts, class (b) 0·71 per cent. of men, or 71 per thousand; 0·35 per cent. of women, or 35 per thousand. The great difference here can only be explained by the fact that in the prisons of class (b) the duration of imprisonment is only a short one, being never more than one year.

49. Included among disciplinary punishments is the giving of disagreeable and difficult work, or work for which the pay is very small. Penal labour, *per se*, does not exist. The kind of labour most generally followed in the prison varies greatly, and includes shoemaking, tailoring, weaving, carpentering, bookbinding, smith's work, coopering, the making of buttons, gold frames, memorandum and account books, braid-making, wood-carving, sewing of gloves, oakum-picking, stone-breaking, sewing, knitting, embroidery, spinning, quill (pen) making, etc., etc. The four last kinds of labour are mostly pursued by the women. Beside the work performed within the prison walls, prisoners who desire it, and are sufficiently trusted, are also

employed in open-air work, in the field and garden as masons and bricklayers, as workmen at the making of railways and of streets, as stonebreakers, etc. . Latterly, the prisoners of the supreme courts are very much employed in work out of doors, and with beneficial effects in two ways. First, because these prisoners, of whom the greater part are serving their first sentence, are thereby saved from the evil effects of the collective system of imprisonment, and secondly their health suffers less, and therefore also their power of production when at work is greater. As has been mentioned already, all the housework is done by prisoners.

50, 51, and 52. These cannot be answered for reasons given under answer to question 49.

53. Where suitable contractors for prison labour are found the work is managed by them ; in all other cases the prison direction conducts it on behalf of the State.

54. According to the experience had in Austria contractors' work is to be preferred, for it preserves the State from great loss and damage, which are unavoidable when the work is carried on by officials, and it enables these officials to devote themselves entirely to their proper duty, that is, the taking cognisance of the individual while carrying out the punishment, which they cannot do properly when they have to pay attention to the success of the prison labour. With this system in operation, prisoners after leaving the prison find it much easier to procure employment than they would had they worked on account of the State. Their technical advancement is furthered more by contractors than by State officials. One disadvantage of contractors' work is, that the prisoners thereby are brought more into contact with persons from without than is desirable. But this disadvantage may be reduced to a minimum by a careful selection both of contractors, foremen and workmen.

55. The contracts are made either by private arrangement or by tender. In the latter case contractors are invited by advertisement to send in their offers. Although it is true that by such competition a better price is obtained for prison work than by making private contracts, yet even leaving out the fact that invitations for tenders remain sometimes without any result, the direction of any prison is by these public contracts ex-

tremely limited in the choice of persons, and thus obliged to disregard important points in prison discipline. For this reason private contracts are to be preferred.

56. The number of prisoners who at the time of their committal were ignorant of any trade were in class (a) during the last three years—men, 8·1 per cent; women, 23·8 per cent. As regards the other prisons, we have no statistics.

57. Every prisoner ignorant of a trade learns one in prison, if the length of his term makes this possible; in the prisons of the supreme courts, class (b), where the terms are short, the results are small. The average number of prisoners that have acquired the knowledge of a trade of which they were ignorant when they entered the prison, has been—men, 13·3 per cent.; women, 35·0 per cent.

58. In the Austrian prisons attention is paid to instructing the prisoner to judge of his own capability, that he may learn to value it, and thereby to earn an honest living. For this purpose he is not only taught the worth of an honest life, but he is practically taught how to work, and rewarded for industry by wages.

59. Frequent repetition of short imprisonments are not desirable. They blind the feelings of the person both as regards the punishment itself, and the degradation connected with it, accustom him to the society of the lazy vagabonds who, for the most part, fill the prisons for small offences, separate him more and more from honest people, and only conduce to make him a confirmed criminal.

60. The average number of re-convicted persons during the years 1868–70 in persons of class (a) were—men, 58·7 per cent.; women, 54 per cent. From the other prisons we have no statistics.

61. Former conviction being an aggravating circumstance according to Austrian law, the judge is obliged to give a severer sentence to the offender than to a person never punished before. This is so even though the crime or offence be of a different class. A thief who has already been punished twice is to be treated as a felon, when the value of the object stolen or attempted to be stolen, is more than five florins. In the prisons re-convicted persons have not, as a rule, to undergo a more severe disciplinary treatment than those condemned for

the first time. In the prison of Grätz, however, where the gradual system exists, those re-convicted persons who have suffered imprisonment for offences against property in an Austrian prison and are within a period of ten years therefrom sent again to prison for a similar offence, are placed in the lowest class (where the hardest treatment is used) for half their term of sentence, in the second for one quarter, and the last also for one quarter, whilst every other prisoner is placed in each class for one-third of his term.

62. Imprisonment for debt was abolished by law on May 4th, 1868, and only a precautionary arrest can take place when the debtor, whilst the action is pending, is accused of an attempt to escape. Such an arrest is merely a deprivation of liberty, and the prisoner is allowed such advantages as are consistent with simple arrest.

63. As principal causes of crime in Austria may be named beside dislike to work and the desire for luxuries and license, in the country want of education as well as the poverty so closely allied to ignorance.

64. Male prisoners of class (a) are to female prisoners as 5·1 are to 1 ; in the prisons of class (b) they are as 5·9 to 1.

65. The intention of imprisonment is to make the prisoners suffer that punishment to which they by law have been condemned as an expiation of their crime, and also to lead them back into the path of a law-obeying and honest life. The reformation of the prisoner is therefore not the only, although an important object.

66. Having regard to the fact, that till quite lately all prisons in Austria were conducted on the system of collective imprisonment, and that even great difficulty was experienced in properly classifying the prisoners on account of the want of proper accommodation, it is a sad fact that the efforts for the improvement of prisoners have not been attended with good effect. If it cannot be exactly said that the prisoners on their liberation are worse than when they entered, yet there are no proofs to confirm the contrary, especially as the number of re-convictions has continued to be about the same.

67. The hitherto existing arrangements to procure work for liberated prisoners are limited to this: that those who have learnt a trade in the prison receive a letter stating that they

have done so, and those who have shown themselves particularly attentive, a testimonial to that effect. In particular cases steps are taken on the part of the officials to procure work for those prisoners whose conduct has been exemplary, and who have given proofs of firmness. The results, however, have been too isolated for us to be able to give statistics.

68. There is only one Liberated Prisoners' Aid Society, and this exists in Vienna. All efforts on the part of the prison directors to call into existence similar societies elsewhere have been unsuccessful. The want of success which showed itself formerly in the working of these societies has caused others already existing to fail. The Society in Vienna limits its operation to supporting liberated prisoners till they have found occupation, by means of money, clothes, tools, etc.

69. The food of the prisoners is as a rule sufficient in quantity and good in quality. It is true that the weekly quantity of meat (8 ounces or 140 grammes of boiled beef) is not large. As, however, the prisoner is permitted to buy extras with the half of his wages to the value of from 1 florin to 1 florin 20 Kreuzer, therefore also meat, so the prisoners have the opportunity, if industrious, of increasing the quantity of meat allowed to them by the regulations. However, it is desirable—(1) that the morning's soup should be introduced into all prisons, and not only for the sake of uniformity but for sanitary reasons. (2). That the extent of extras should be lower, the meat rations, however, to be at least doubled, so that it should not be left to the will of the prisoner whether he will improve the prison rations. The system of imprisonment as it exists in Austria suffers from the fact that there is too great a uniformity in the punishment, and that there is not a prison for each kind of punishment. This interferes with the effect of the various kinds of punishment, especially with those of a strict character. To remedy this it would be desirable (a) To lessen the various kinds of punishment and, if possible, to reduce them to three: 1. Penal servitude or forced labour, or isolated prison. 2. Imprisonment. 3. Simple detention. (b) That every one of these punishments be characterised by striking differences both in the keep and treatment of the prisoner. (c) That every kind of punishment be undergone in a different prison.

BELGIUM.

1. All the prisons of Belgium are under the jurisdiction of the minister of justice. The penitentiary of Louvain has a commission charged with the inspection and supervision of that establishment. There are also commissions charged with the general supervision of the other prisons, and constituting administrative boards, invested with the right of investigating and redressing abuses, of proposing and introducing reforms to the advantage of the service, of granting to the *employés* leave of absence for five days, and of imposing upon them certain disciplinary punishments.

2. Near the tribunals of primary jurisdiction are houses of arrest for prisoners awaiting examination; near the courts of justice, for prisoners awaiting trial; near every court-martial there is a provostal prison for military prisoners awaiting examination or trial. In all the houses of arrest are found apartments for the punishment of convicts not sentenced to the central prisons. Juveniles of both sexes acquitted as having acted without knowledge, and placed under the care of the Government for a definite period, are sent to houses of refuge.

3. Of the twenty-six prisons in the kingdom, eighteen are conducted upon the cellular system, not including two cellular wards in the city of Brussels and in the central prison of Ghent. Of the six congregate prisons, four are undergoing alterations to adapt them to the system of separate imprisonment.

4. For answer to the fourth question, which calls for the results obtained by these two systems, the reply of the Government refers to a report made to the minister of justice by the administrator of prisons on December 31st, 1869 (see in a later page an abstract of this report). The writer of the official reply having made this reference, goes on to say: The Belgian Legislature has given its preference to the cellular system, because it renders repression more efficacious, and because the reformation of the convict is thereby better assured.

5. The funds needed for the support of the prisons are derived from the same source as the funds required for the other departments of the public service. The cost of each

day's support is counted in gross, without taking account of the product of the prison labour, which is turned over to the treasury.

6. The appointment of the directors and assistant directors is by royal decree. The other functionaries and *employés* of the prison are named by the minister of justice. There is no limit to the tenure of office: it belongs to the Government to judge whether the functionary ought to be retained or dismissed.

7. The chief of a penitentiary establishment ought to be thoroughly acquainted with all the machinery of the service, whether relating to the moral, disciplinary, economic, or industrial administration. He should be able to conduct the government and discipline of the prison without extraneous aid, and to understand that the care which he is obliged to give to the material part of his establishment ought not to be to the prejudice of the zeal due from him to the moral part; and he should possess in a high degree the attribute of probity. The director of a cellular prison, and especially of a penal cellular prison, has, so to speak, the charge of souls. He must be, at the same time, good, just, firm, intelligent, conciliatory; he must comprehend the whole extent of his duties; he must know men, and particularly criminals; he must be able to command respect and to secure submission to his authority from all without opposition. Above all, he must be animated by sentiments profoundly religious, for Christian devotion alone can sustain him in the path of his duty and give him the force and the perseverance necessary to overcome the obstacles which cannot fail to obstruct his progress. The keepers are moral agents; they must, like all the other members of the staff, offer guarantees of morality, intelligence, zeal, and humanity. Their special service requires that they be in the vigour of their age (they should not be admitted before the age of twenty-seven years), that they have good health and a robust temperament; that they possess an energetic character; that they have a good primary education, and, if possible, the knowledge of one of the trades followed in the prison, so that they may be able to teach it to the prisoners. Finally, they should have a complete and accurate knowledge of the regulations, whose practical application is confided to them.

8. Special training schools are indispensable only for keepers, who generally enter on their functions without being prepared for the mission which they have to fulfil. A school for keepers has existed for some years in the penitentiary of Louvain. The directors are recruited from the *personnel* of the administration, where, in passing through the different grades, they have necessarily acquired the requisite knowledge. Special examinations are a condition precedent to their appointment.

9. The pension granted to directors and *employés* who have become incapacitated for a further discharge of their duties is regulated upon the footing of the average salary of their last five years of service, a salary determined by the whole number of their years of service. In regard to the pension allowed them on retirement, they are placed on the same footing as all the other functionaries belonging to the public administration.

10. The difference between prisoners sentenced to simple imprisonment, to reclusion, and to hard labour, is, that the first are confined in houses of correction ; the second, in houses of reclusion ; the third, in convict prisons. The duration of correctional imprisonment is from eight days to five years ; that of reclusion, from five to ten years ; that of hard labour, when the sentence is not for life, from ten to fifteen years, or from fifteen to twenty years. Of the product of their labour, there is allowed to correctionals, five-tenths ; to reclusionaries, four-tenths ; and to prisoners sentenced to hard labour, three-tenths. The privilege of receiving visits, and of writing letters, is accorded to correctionals every fifteen days ; to reclusionaries, once a month ; and to those sentenced to hard labour, every two months.

11. As regards the classification of prisoners : In the congregate penal prisons, the prisoners are divided into three classes. The first class comprises prisoners whose antecedents are the most unfavourable, and whose conduct is bad. This class bears the name of punishment division (*division de punition*). The second comprises prisoners whose antecedents, without being decidedly unfavourable and their conduct absolutely bad, have, nevertheless, need to be subjected to a probation, longer or shorter, before being definitively classed. This class has the name of probation division (*division d'épreuve*). The third is composed of prisoners who, by their antecedents or their good conduct in the penitentiary, have claim to a special distinction.

This class bears the name of recompense division (*division de récompense*). These three classes, although subjected to the same *régime* and the same exercises, are nevertheless the objects of special distinctions. In order to be able to recognise the prisoners who belong to each, a distinctive mark in the clothing is adopted for each division. The prisoners of the punishment division are subjected to the most painful labours, are deprived of the *cantine*, and suffer various privations, especially that of visits from and correspondence with the outside, except in urgent cases, which are left to the judgment of the director. The passage from one division into another is determined by the administrative commission, on the proposal of the director. To this end the records of conduct and of punishment are consulted. The examination for classification takes place during the first third of each year, unless made necessary oftener by exceptional circumstances resulting from overcrowding in one or other of the sections. The numbers of the prisoners assigned to each division are inscribed on a roster suspended on the wall. The first classification is made by the director according to the known antecedents of the convict on his entrance, the circumstances revealed on the occasion of his conviction, and the notes which are forwarded by the courts. This classification is, so to speak, the only possible one in the great congregate penitentiaries; but to obtain the most satisfactory results, in a disciplinary and moral point of view, it would be necessary to appropriate special wards to different classes.

12. The regulations relating to the penitentiaries authorise the administrative boards and those of the inspection of prisons to address to the minister of justice propositions of clemency, or of reductions of punishment, in favour of prisoners who distinguish themselves by their good conduct, or who, as the result of special circumstances, seem worthy to be recommended to the royal clemency.

13. As regards the participation by prisoners in their earnings: Prisoners receive a part of the earnings resulting from their labour. This part is three-tenths for those sentenced to hard labour, four-tenths for those sentenced to reclusion, and five-tenths for those sentenced correctionally. This proportion cannot be increased.

14. Other awards decreed to good conduct, to diligence, to

zeal and progress in labour and school, to meritorious actions of whatever kind, are the following : 1. Admission to places of trust, to domestic service, and to certain exceptional labours. 2. An increase of the privilege of visits and of correspondence. 3. Permission to make use of tobacco, in the form of snuff, or by smoking it, save that the use in this latter form is limited to the time of promenade in the exercise yards. 4. The grant of certain diversions and alleviations, such as the gift of books, of engravings, of tools, of useful objects, etc. 5. Propositions of clemency and of reduction of punishment. No. 3 applies only to cellular penal prisons ; the use of tobacco is absolutely forbidden in the penitentiary of Ghent.

15. The most frequent violation of prison rules are, in the cellular prisons, communications or attempted communications, verbal or by writing. In the congregate prisons they are infractions of the rule of silence and traffic.

16. The following are the disciplinary punishments in use : 1. Privation of work, of reading, of gratuities, of the *cantine*, of visits, of correspondence, and of other indulgences granted in pursuance of the regulations. 2. A diet of bread and water. 3. Confinement in a special cell, or in a dark cell, with or without the bread and water diet. 4. The withdrawal of rewards which might otherwise have been granted.

17. All disciplinary punishments are recorded in a special register, together with the causes for which they were inflicted. The offences committed and the punishments administered are also placed in the moral account opened with each prisoner.

18 and 19. Chaplains are provided in all the prisons and for all religions. They preside at all the different services and exercises of worship, and over all religious instruction ; they visit the prisoners in their cells and give them counsel and consolations ; they urge them to a conscientious performance of their religious duties ; they direct their reading ; they hear their confessions, preach to them, give special instruction to those who are ignorant of the essential truths of religion, and fulfil toward them all the duties of their ministry.

20. The Government has always attached the greatest importance to religious instruction as a means of reformation, and has given to it the most complete organization possible, and

every facility is given to the prisoners for the performance of their religious duties.

21. The administration has declared in the regulations relating to penitentiaries that it would encourage and facilitate the formation of associations of persons of both sexes, with a view to offer counsel and consolation to the prisoners, to watch over their interests and those of their families, and to facilitate their re-entrance into society. But no such association has yet been organised, nor has even any private person ever offered himself for the performance of such services.

22. Sunday-schools have never been established in Belgium. The administration has no need of such schools, because schools are held daily during the week.

23. In regard to correspondence: Except by special authorisation of the director in urgent cases, or when the privilege is granted as a reward for good conduct, prisoners can write or receive only one letter each every fortnight, when they are sentenced to correctional imprisonment; every month, when they are sentenced to reclusion; and every two months, when they are sentenced to hard labour.

24. To the question, whether the correspondence of prisoners with their friends exerts a good or evil influence upon them, we reply: The effect is evidently good. It maintains or renews the ties of family, and exercises a favourable influence upon the prisoners. It also aids the officers in the study of their character.

25, 26, and 27. The prisoners are permitted to receive the visits of their relatives: father, mother, husband, wife, children, brothers, sisters, uncles, aunts, and guardians, on the production of a certificate granted by the local authority of the places where they reside, authenticating their identity. No other visits are permitted except upon a written order of the superior administration, of the governor of the province, or of the president or one of the members of the commission specially delegated to this effect. In the penal prisons more particularly, these visits take place in the conversation-rooms, in presence of a keeper. This officer observes the persons of the prisoner and the visitor, without interfering with the privacy of the interview. The moral effect of these visits is generally good. There are

rare cases, it is true, where such visits have produced an effect morally unfavourable.

28. More than one-half of the prisoners, that is to say, about 51 per cent., are able to read on their admission to the prisons.

29. Every prison, with a population of fifty inmates or more, is provided with a school, properly so called, or with a teaching lecturer.

30. At the penitentiary of Louvain attendance upon the school is obligatory for all the prisoners, except on a dispensation for cause, granted by the director of the establishment. At the penitentiary of Ghent, appropriated to a class of reclusionaries and of prisoners sentenced to hard labour, attendance at school is obligatory for all prisoners under thirty years of age; it is permitted to prisoners who have passed that age; but these latter, once admitted, can withdraw themselves from the school only with the assent of the administrative commission. In other prisons provided with a school, attendance thereupon is obligatory, 1st. For prisoners sentenced to six months and over, and those who have not attained their fortieth year; 2nd. For juvenile delinquents, whatever may have been the cause of their imprisonment. Attendance on the school is permitted to the other prisoners.

31. The instruction given in the penitentiary schools includes: 1. Religion, which is taught by the chaplains, or under their immediate direction; 2. Morals; 3. Reading; 4. Writing; 5. Arithmetic; 6. Elementary notions of grammar, history, and geography, particularly the history and geography of Belgium; 7. The elements of geometry and linear drawing in their relations with trades, as well as other branches of a practical utility. Great progress is made by the prisoners in these studies.

32. Libraries are found in all the prisons of Belgium. They contain three classes of works, which meet three several wants—that of reforming the prisoners, that of instructing them, and that of diverting their minds by reading at once entertaining, moral, and instructive.

33. The prisoners are very fond of reading, and spend much time in that employment. Their choice of books depends on their degree of instruction and education. The preference is generally given by them to works containing tales and ad-

ventures of travellers, pictorial magazines, and some of the romances of Conscience, of Snieders, and of Dickens, the first two being Flemish authors. The influence of these readings is excellent, and the formation of prison libraries cannot be made with too much care and discrimination. The prison library ought to embrace three classes of works: those of a pious and religious character, those of an instructive character, and those of an entertaining character, but having at the same time a moral and educational tendency.

34. The sanitary state of the Belgian prisons is good. The drains for waste water and night-soil are cleansed every week by a strong current rushing through them, so that no emanation dangerous to health can ever issue therefrom.

35. As regards the water supply, each prisoner in the cellular prisons has daily at his disposal from 12 to 15 litres of potable water. The water supplied to the prisoners is of good quality.

36. The ventilation and heating of the cells being intimately connected, it will be proper to speak of both under the same head. The apparatus for heating is placed in the cellar. The fire is made in the centre of a double cylinder filled with water, which forms the boilers for its propulsion. From the upper part of each of these boilers two perpendicular pipes ascend into the principal ventilating conduits, and conduct the hot water directly into a special reservoir placed in the chimney (*cheminée d'appel*) appropriated to each apparatus. This reservoir is fed by six pipes, which traverse horizontally each range of cells, returning afterward, by the same passage, to the principal apparatus. Two pipes, filled with hot water, thus pass into all the cells. They are placed in a horizontal conduit running along the floor, close to the exterior wall. These conduits, covered with a plate of perforated iron, form for each cell a little reservoir of heat. Thus the caloric is utilised just where its action is required, since it is precisely in the cells that it disengages itself, supplying each with an equal quantity. Its centre of radiation is in the cell itself. Here is found the first divergence from the English system of heating, and the caloric cannot, as in that system, concentrate itself against the opening of a great conduit situated in the basement. Let us examine now the mode of introducing fresh air. This introduction is two-fold. In the first place, there is inserted in the

window a ventilator of 30 centimetres (about 12 inches) in height and 44 centimetres (equal to $17\frac{1}{2}$ inches) in breadth, through which the fresh air is introduced directly into the cell, without having come in contact with the heat-pipes. Secondly, at one of the extremities of the iron plate which covers the conduits from the hot-air furnace is left an opening, which allows the heat to circulate in the cells. The opposite side of the plate corresponds to an opening made in the thickness of the exterior wall, by which the pure air from outside penetrates into the reservoir, and so into the cells. A valve is fitted to this last opening, by which the prisoner can regulate the introduction of air, and by the same means can increase or diminish the heat of the cell. Let it be carefully noted that the reservoir of which we have just spoken, as well as the introduction of fresh air, is on a level with the floor. The vitiated air is drawn off by a conduit placed in the thickness of the wall on the opposite side from that on which air and heat enter. This conduit, at its upper extremity, leads into a great pipe, which runs horizontally under the roof, discharging its contents into a vertical chimney, at the bottom of which is situated the reservoir which receives the hot water of the furnace, whose smoke-pipe also traverses the chimney. This system of ventilation works naturally and without mechanism of any kind.

37. The cleanliness of the prisons is insured by the following measures :

An active ventilation incessantly purifies the different parts of the penitentiary establishment, throughout which there is always diffused a fresh and agreeable atmosphere. A cleanliness the most minute is continually maintained. The daily cleaning of the premises, the varnishing of the pavement of the cells by means of a special process, and the waxing of the floors and the pavements of the galleries, have made it possible to give up washing with water, which is attended with great inconvenience. The walls of the cells, galleries, &c., are washed of a stone-colour at the beginning of every year, and partially whenever it becomes necessary to remove spots or stains. No deposit of dirt or dung is allowed within the inclosure of the establishment, and all necessary measures are taken to have the rain-water speedily carried off from the premises. In summer, fumigations are made every morning. They are less

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necessary in winter, and are, consequently, less frequent during that season of the year.

38. To insure personal cleanliness on the part of the prisoners the hair is required to be kept short; whiskers, moustache, &c., are forbidden. The men are shaved twice each week. The prisoners are required to wash their feet once a week. Every two months in winter, and once a month in summer, they are required to take a full bath. The body-linen is changed every week.

39. As regards the arrangement of the water-closets, two good systems are in use—movable vessels and fixed seats, with a pressure of water. This last deserves the preference, particularly in penal prisons.

40. The cells are lighted with gas; two stop-cocks are fitted to the lighting apparatus—one in the cell, under the control of the prisoner; the other on the outside, under the control of the keeper. The consumption of gas is 39 litres per burner each hour.

41. The system of heating has already been described.

42 and 43. The use of the hammock has been given up, having been replaced in the cellular prisons by an iron table bedstead. This bedstead is folded up during the day, contains the bedding, and serves as a table.

The bedding consists of a mattress, a bolster, two cases for the mattress, two bolster-cases, two woollen blankets, and two pairs of sheets. The mattress and the bolster are made of ten kilogrammes of sea-weed.

44. [This question is answered by referring to the special regulations of the central prison of Louvain, an account of which appears farther on in the volume.]

45. With regard to the treatment of sick prisoners: The infirmary occupies a part of the building at some distance from the cells, and the sick are distributed into spacious cells, well aired and comfortably warmed. These cells have a capacity of 40 cubic metres, and are provided with the necessary furniture and with clothing suited to the condition of the sick. The dietary is regulated according to a special tariff. The hygienic service leaves nothing to be desired. A cleanliness the most minute, a ventilation active and continual, frequent fumigations, the change of linen and of bedding—in a word, all desira-

ble attentions are accorded to the sick. Independently of the assiduous attentions of which the sick are made the object, they are regularly visited, at least once an hour, and can, at any time, call upon the nurses by means of a signal, whose movement reaches to each bed. Prisoners seriously sick have watchers, and all the necessary measures are taken that they receive the attentions required by their situation. Experience proves that prisoners are better treated in an infirmary cell than in a common infirmary. When the service permits it, the doors of the cells are left open. In this arrangement there is a moral and physical advantage. The rule of separation, which is the foundation of the penitentiary system, is not violated; and the prisoners have not under their eyes, during their sickness, the spectacle of other suffering.

46. The most common disease in cellular as in associated imprisonment is phthisis; deficiency of blood is equally frequent. Caries of the ribs and the sternum, diseases rare in free life, are frequent in that one of our penitentiaries which is not cellular.

47. Regarding the percentage of the sick, we give the figures taken from the statistics of 1870: Average population of penitentiary of Ghent, 754; number of days spent in the infirmary, 14,503; average population of penitentiary of Louvain, 515; number of days spent in the infirmary, 1,157. All the prisons together, during the same year, furnished the following results: Days of imprisonment, 1,916,949; days of sickness, 52,554; giving a percentage of 2.74.

48. Death-rate. We give the figures taken from the statistics of 1870: Average population of penitentiary of Ghent, 750; number of deaths, 37; average population of penitentiary of Louvain, 515; number of deaths, 6. It is worthy of remark that prisoners sentenced to hard labour for life undergo their punishment in the penitentiary of Ghent. The average aggregate population of all the prisons was: Prisoners, 5,251; deaths, 93; being a percentage of 1.77.

49. Penal, as distinguished from industrial labour, does not exist in the prisons of Belgium. The industrial occupations, expressed by the designations of the persons engaged in them, are: Copyists, lithographers of autographs, office boys, dyers, winders, warpers, weavers' boys, weavers, foil-makers,

cutters and tailors, menders, folders, hosiers, packers, shoemakers, bookbinders, joiners, turners, clog-makers, blacksmiths, tinmen, founders, masons and stone-cutters, masons' labourers, painters and glaziers, whitewashers, pit-sawyers, slate-quarriers.

50. We have no penal labour, properly so called. The law exacts work of persons sentenced to correctional imprisonment, to reclusion, and to hard labour. The employments introduced into the prisons are chosen, in preference, from among those which seem likely to afford to the prisoners after their liberation the means of procuring a livelihood. It is our opinion that labour ought not to be imposed as a punishment, for the first necessity of man in society, and, above all, of man in the lower classes, is labour, and the first sentiment to be developed in him is the love of work. To prevent crime in the honest population, or a relapse into crime of those who had been discharged from prison—in this consists the first guarantee of individual reformation and of social security. What would become of prisoners if they were restored to society with an aversion to labour? Is the hour of their liberation the time to say to them, 'Do you love work,' when they have been taught to hate it? The liberated prisoner ought not to carry with him on his discharge from prison the idea that work is a punishment in this world, and that he has suffered it long enough during his imprisonment to hasten at the hour of his deliverance to free himself from its chains. Labour should be exhibited to him in the prison (as it is and ought to be in society) as the source of the physical and moral elevation of man. He ought, in all things, so to identify the life of man with the necessity and the attraction of labour that even in captivity he should still attach, if not the image of happiness, at least a solace to its exercise and an idea of punishment to its privation. In a word, if labour ought to enter as a penal element into penitentiary imprisonment, it is not in the use but the privation of it. Labour in penitentiary imprisonment ought to be obligatory; but it is an obligation which ought not to be imposed on the prisoner under the empire of constraint, but as an obligation to which his reason, his interest, his position, everything, ought to urge him.

51 and 52. For our opinion concerning the moral and sani-

tary effect upon the prisoner of penal labour, see the preceding answer.

53. The industrial labour of the prisoners is in part directed by the administration itself, and in part awarded to special contractors. These latter are placed under the immediate surveillance of the directors of the prisons into which they are admitted.

54. The contract system, such as it exists in our prisons, is that to which our preference would be given, as well because of the certain and great benefits procured by it to the treasury, as because of the facility which it offers of diversifying the labours of the prisoners and of affording them employments suited to their particular aptitudes. Nevertheless, the system of working the prisoners by the administration itself offers also, in our organization, certain advantages, especially when it is a question of labour of easy execution, or of the creation of products for the use of the administration itself.

55. Different systems of contracting for the labour of the prisoners do not exist in this country. That which is in actual use consists in awarding the labour to a contractor who offers at the same time remunerative prices and adequate guarantees of solvency and morality.

56. From 60 to 70 per cent. of the inmates of our prisons had not, at the time of their commitment, any regular business or assured means of support.

57. The apprenticeship of the prisoners, in the different trades taught, is confided to the keepers of sections, under the special supervision and direction of the foremen. It follows that the keeper is not only charged with the supervision of the twenty-five prisoners of his section, and with the enforcement of the rules, but that he employs the greater part of the day in instructing the prisoner in some one of the branches of industry introduced into the establishment. The mean duration of the apprenticeship is: twelve months for the shoemakers; six months for the weavers; and three months for the tailors. This time may be shortened by the aptitude or intelligence of the apprentices. As a general rule, the apprenticeship is terminated before the expiration of the date fixed upon, especially when, by dint of repetition, the prisoner has been made to comprehend the necessity of mastering a business, in order

that, at the time of his liberation, he may be able to work for his food, his clothing, his bed—in a word, to assure the satisfaction of his essential wants. Certainly it is important to effect the reformation of the prisoners, but it is important also to place them, on their liberation, in a condition in which they may gain an honest living by work, since it is an undoubted truth that ignorance of a business is the principal cause which urges the greater part of men to crimes against property. The theory of reformation includes, therefore, the industrial education which gives to the prisoner the means of being, some day, sufficient to himself, and the religious and moral education which instructs him in his duties to God and man.

58. We regard it, as will already have appeared from the preceding answer, as a point of the greatest importance, that the prisoner, during his imprisonment, should master the art of self-help. To this end moral and religious conferences are held with him, and it is sought, by means of the knowledge of various kinds imparted to him, to put him into a condition of independence after his liberation.

59. The question relating to the effect of repeated short imprisonments, seeming to belong to a peculiarity in the legislation of the United States, the committee has judged it expedient to abstain from formulating a reply to it.

60. As to the number of recidivists: Among the 795 prisoners committed, in 1872, to the central prisons, other than the establishment specially devoted to juvenile delinquents, figure 626 recidivists; that is to say, more than 78 per cent. This result evidently cannot be placed to the charge of the cellular system, since nearly half of the penitentiary establishments are still conducted upon the congregate system. The report addressed to the Government in 1869, which is hereto annexed, shows that the cellular system has considerably diminished the number of recidivists.

61. Recidivists are more severely punished than persons committed for a first offence, in proof of which are here cited articles 54 to 57 of the Penal Code:—

ARTICLE 54.—Whoever, having been sentenced to a criminal punishment, shall have committed a crime which subjects him to the punishment of reclusion, may be sentenced to hard labour from ten to fifteen years.

If the crime involves a sentence to hard labour from ten to fifteen years, the convict may be sentenced to hard labour from fifteen to twenty years.

He must be sentenced to seventeen years at least of this punishment, if the crime imports a sentence to hard labour from fifteen to twenty years.

ARTICLE 55.—Whoever, after a sentence to a criminal punishment, shall have committed a crime punishable by an imprisonment of from five to ten years, may be sentenced to an imprisonment of from ten to fifteen years.

If the crime is punishable by an imprisonment of ten to fifteen years, the convict may be sentenced to an increased imprisonment.

He must be sentenced to seventeen years at least of imprisonment, if the crime is one that necessitates an increased imprisonment.

ARTICLE 56.—Whoever, after a sentence to a criminal punishment, shall have committed a misdemeanour, may be sentenced to a punishment double the maximum permitted by the law forbidding such misdemeanour.

The same punishment may be awarded in case of a prior sentence to an imprisonment of a year at least if the convict shall have committed the new misdemeanour before the expiration of five years after having undergone his prescribed punishment.

In these two cases the convict may be placed, by the judgment or the arrest, under the special supervision of the police during five years at least, and ten years at most.

ARTICLE 57.—The rules established in case of a relapse shall be applied conformably to the preceding articles, in case of a prior sentence, pronounced by a military tribunal, for an act defined as a crime or misdemeanour by the ordinary penal laws, and to a punishment authorised by those laws.

If, for said act, a punishment authorised by the military laws has been pronounced, the courts and tribunals, in judging of the relapse, shall have regard only to the minimum of the punishment, which the act, punishable by the first judgment, might have warranted, according to the ordinary penal laws.

62. Debtors' prisons still exist in Belgium, but they are empty; cases of incarceration for debt have become very rare since the publication of the law of July 27, 1871. The treatment to which imprisoned debtors are subjected is not the same as that applied to criminals. They occupy a special series of cells, have the exclusive enjoyment of an exercise yard, and may communicate with each other, receive four visits a week from their relatives and from persons with whom they have business relations, and may correspond freely with the outside world.

63. The principal causes of crime are, in the army, want of occupation, and the system of substitution. In civil life, they are the oblivion of religious and moral principles, ignorance of duty, want of a business, the creation of factitious wants, drunkenness, libertinism, thoughtlessness, distaste of work, and idleness.

64. The two sexes are represented in the Belgian prisons in the following proportions—men, 88 per cent.; women, 12 per cent.

65. As regards the object of penal treatment: The administration seeks, above all, to reform those whose punishment is exacted by society; but it punishes without subjecting them to any physical suffering. The execution of the punishment has in view the double aim of expiation and reformation.

66. Regarding the moral condition of prisoners on their liberation: It is in proof that in the cellular prisons the moral state of the prisoners is, in general, better at the time of their discharge than at that of their entrance. Those who manifest evil inclinations are few in number; nearly all have sensibly modified the sentiments with which they were animated at the time of their commitment.

67 and 68. No prisoners' aid or patronage societies are found in Belgium; but the Government has not lost sight of this important point. Efforts were made in 1848 to organise such associations; but, unhappily, the measures taken were not crowned with full success. While waiting, the administration seeks the best means for assuring to liberated prisoners an effectual protection, so as to prevent their falling back into crime. A special credit figures even in the budget of the department of justice, permitting the administrative commissions of reformatory institutions to extend aid to their liberated inmates.

69. To the question whether we are satisfied with our existing penitentiary system, our reply is affirmative in so far as it is not applicable to establishments on the congregate plan; but the transformation of these into cellular prisons is actively progressing.

N.B.—The following table, appended to the report, contains in condensed form much interesting information regarding the model prison of Belgium:

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DENMARK.

1. *The Prison System.*—The cellular system is applied in the case of short sentences, lasting from six months to three years and a half, to persons who are young and who are convicted for their first offence; the associated or aggregate system in the case of long sentences lasting from two years up to sentences for life, and to older persons who have been already convicted. About 75 per cent. are sentenced to undergo their punishment in cells. For male prisoners there are two prisons on the corrective system, and one cellular prison; for female prisoners, one prison with cells and wards for working. In 1871 the average number of prisoners were—

Males.				
Vridsloesville Cellular Prison	.	.	.	370
Horsens Associated Prison	.	.	.	320
Viborg	„	„	.	260
Female Prisoners.				
Christianshavn	.	.	.	248
				1,198

2. *General Administration.*—A director of prisons has the control of all the prisons.

3. *Discipline.*—The discipline is intended to be reformatory. For the cellular prison is established a sort of progressive system. For the associated prisons the inmates occupy separate sleeping cells. The convicts work in divisions separate from each other. No progressive system has as yet been adopted, but such a system is in contemplation. The punishments for breach of discipline are legally settled. Corporal punishments are among them. The most efficacious means of awakening and preserving hope are, in the cellular prisons, the promotion to a higher class; in the associated prisons, wages paid for labour. Conditional release does not take place.

4. *Religious and Moral Agencies.*—A clergyman is appointed to each prison. He alone is entrusted with the religious teaching of the prisoners. Each prison has a chapel consecrated to divine service. Volunteer visitors are not admitted into the prisons to labour for the moral improvement of the inmates.

5. *Secular Instruction.*—One or two masters are appointed to each prison. Prisoners under eighteen, who are only isolated in the night, receive a special treatment, with two to three hours' instruction a day. In cellular prisons, convicts under forty receive two to three hours' instruction a week. In the associated prisons, instruction is only given on Sundays. Every prison has schoolrooms and a library.

6. *Prison Labour.*—No distinction is made between penal and industrial labour. About 80 per cent. of the prisoners are employed by contractors in many different ways. The contract system has in our country proved to be the best, both economically as well as with regard to its reformatory effects. It must be observed, however, that the contractors are cut off from any direct or indirect meddling with the treatment of the prisoners. The labour is considered a necessary condition for the proper execution of the sentence, not merely a source of revenue; nor is the profit of the labour sufficient to meet the expenses of the food and keep of the prisoners, and of the administration, as these expenses for each prisoner amount to about 14*l.* a year, while the labour profit of each convict is about 8*l.* a year.

7. *Prison Officers.*—These are appointed partly by the Government, partly by the prison inspector. Their appointment or discharge is totally independent of political and other influence irrelevant to their efficiency. There are no special training schools for prison officers. These would be very expensive in so small a country as Denmark. Nor can such schools be considered necessary if healthy, respectable, and sober persons are appointed prison officers, if they have received an education that corresponds to the importance of their office, and if they take an interest in their profession.

8. *Sanitary State of the Prisons.*—The food is healthy, clean, and sufficient, but plain. Dinner is the principal meal. The prisons are dry and airy, and in no private house is found greater cleanliness. During the last three years, 2·11 per cent. of the male prisoners, and 2·13 per cent. of the female prisoners were daily ill. During the same period, 1·75 per cent. of the average number of male prisoners, and 1·79 per cent. of female prisoners, died yearly.

9. *Reformatory Results.*—The reformation of the criminals is made a primary object of their treatment, but though the

convict generally leaves the prison with good intentions, yet his power of resistance is often too weak to conquer temptation.

10. *Sentences*.—The present penal code was promulgated in 1866, and is founded on the principles that are at the basis of modern penal codes. Accordingly, the criminal courts in our country give short sentences for minor offences. Our penal code has been in operation for so short a time that it is impossible to have any well-founded opinion as to its influence on the increase or decrease of crime. It appears, however, that the number of *crimes* has increased, not the number of *criminals*, the effect of the short sentences being that the so-called habitual criminals now more frequently than formerly enter and quit the prisons.

11. *Kinds and Causes of Criminality*.—The most frequent crime is the violation of the right of property. More than seventy per cent. of our convicts are sentenced for theft. The cause of these crimes is rarely undeserved distress, but most frequently idleness, desire for unlawful or lawful pleasures, and habits of drinking. These vices generally result from, or are associated with, a neglected education.

12. *Juvenile Reformatories*.—In our country there are three educational establishments for neglected and misguided boys, with about 160 occupants. Besides these, there is a society that undertakes to have such children placed in families. The latter has worked with great success.

13. For each prison a society has been formed with the view of being of assistance to the released convicts. The societies are maintained by contributions from the State as well as from private persons.

N.B. A fuller account of the Prison System of Denmark is contained in the volume of 'Transactions of the Cincinnati Congress,' p. 117, copies of which may be seen at the library of the Social Science Association, 1 Adam Street, Adelphi.

ENGLAND.

For an account of the English prison system, see the paper of Major Du Cane on a later page.

FRANCE.

1. The prisons of France, with exceptions to be indicated hereafter, depend upon a central power, which is represented by the minister of the interior, and, under his authority, by the director of the administration of prisons.

a. Control.—The central power exercises its control by means of general inspections, made by special functionaries—namely, inspectors general of prisons.. Besides this direct and most important control, there is a local control of the prefects for all the prisons and penitentiary establishments; of the mayors and commissions of supervision for the houses of arrest, of justice, and of correction; and, finally, of the council of supervision for the colonies of correctional education of juvenile delinquents. It is necessary further to mention the intervention, though to a very limited degree, of magistrates of the judicial order.

The Inspectors General have two classes of functions, the one accomplished during their tours of inspection, and the other, as will be hereafter seen, in the interval of these tours. They are charged with visiting all the prisons and penitentiary establishments, and they give account to the minister of the observations made on these visits, in a special report relating to each establishment.

The Prefect represents the central power in the department as regards the supervision and administration of prisons; and it is his duty to visit, at least once a year, the prisons of his department. (*Article 611 du Code d'Instruction criminelle*).

It is the duty of the Mayor of each commune, where there is a house of arrest, a house of justice, or a house of correction, to make, at least once a month, a visitation of these houses. (*Article 612 du Code d'Instruction criminelle*). By virtue of Article 613 of the same code, there is besides the police of these prisons. As a prison is an establishment of general and not merely municipal interest, the authority which the mayor is called to exercise therein partakes essentially of the central administration. It is as its representative that he acts on such occasions.

The Commission of Supervision, which is established, in principle, near each departmental prison, exercises, as its name imports, a supervisory action over whatever relates to health, to supplies, to religious instruction, and to moral reform.

The function of this commission is limited to the control of the various services. Its members, having no responsibility, cannot perform any act of authority in the prisons, in which it is important, moreover, to maintain unity of command.

As regards the penitentiary colonies of juvenile delinquents, the Act establishes (Article 8 *de la loi du 5 août, 1850*) a council of supervision, charged with the same mission of control in these establishments as the commission of supervision in the houses of arrest, of justice, and of correction.

The penitentiary and correctional colonies are, besides, subjected to the special supervision of the attorney-general of the jurisdiction, whose duty it is to visit them every year. But this is not the only case in which penitentiary establishments are subjected to the control of the judicial authority. By the terms of the 611th Article of the code of criminal procedure, the committing magistrate (*juge d'instruction*) is bound to visit, once a month at least, the persons confined in the house of arrest of his *arrondissement*, and the president of the court of assizes, at least once in the course of each session, must visit the persons confined in the house of justice.

b. Administration.—Criminal legislation being the same for all throughout the entire territory of France, the same rules ought to control its application, without exception either of places or of persons. As regards prisoners under sentence, inequality of discipline is inequality of punishment. As regards prisoners awaiting trial, this inequality constitutes a grave abuse because it subjects a man, innocent perhaps, to rigours and privations which could not be elsewhere imposed by the administration upon another man in the same condition. To establish and maintain in the same prisons the application of the same principles and of a uniform system, two elements are indispensable, unity of direction and centralization of the financial means of execution.

The director of the administration of prisons is charged with administering, under the authority of the minister of the

interior, the prisons and penitentiary establishments of every class in France. Under him, and as a deliberative consultative board, is found the council of inspectors general of prisons, which are called upon, in the interval of their tours of inspection, to give advice on the more important questions of the service. The instructions and regulations emanating from the central administration are addressed, through the intervention of the prefects, who represent the executive power in the departments, to the directors of the different establishments. At the head of each central prison is found a director. His action extends to all parts of the service. He is specially charged with conducting the correspondence with the minister of the interior, to whom he addresses his reports on the financial, industrial, and disciplinary condition of the establishment, through the agency of the prefects, except in urgent and extraordinary cases. Directors of the houses of arrest, of justice, and of correction are charged with the administration of those establishments in one or more departments. In the prisons situated at the place of their residence their action makes itself felt directly, like that of the director of a central prison, on all parts of the service, and in the other prisons indirectly through the agency of the principal keepers, who receive their instructions and are required to address to them frequent reports. An important part of their functions has reference to the economical administration of the prisons, to purchases, to the verification of expenses, to the control of the accounts, cash, and material; in short, to the preparation of the various financial documents which they send to the central administration. The principal keepers are the agents charged with the care and supervision of the houses of arrest, of justice, and of correction.

The organization which has just been described is the same in all the departments of France, except in one only, that of the Seine, an exception which deranges the harmony of the system. The directors of the public colonies of juvenile delinquents are assimilated by their functions to the directors of the central prisons. It is therefore the central power which conducts the administration by their hands. It cannot be the same in the other colonies, which are private establishments. The director is only approved by the administration, and this latter exercises such control as it has only through the inter-

mediate agency of the prefects and the inspectors general. The administration of these private establishments has been determined by a general regulation of recent date, which explains why they have not yet been able to attain that administrative uniformity which is remarked in the public establishments of the same kind. The colonies are appropriated to children who have for the most part been acquitted, but have been sent by the tribunals into a house of correction, to be there trained under a severe discipline. There are establishments in which education is made more prominent than repression, and the duty of the central power is to see that the children are properly treated, and that they receive, conformably to law, a moral, religious, and industrial education.

A law of May 5, 1855, which transferred to the budget of the State the ordinary expenses of the houses of arrest, of justice, and of correction, which had previously belonged to the departmental budgets, has accomplished, for all the degrees of imprisonment, the centralization of the financial means of execution; a centralization which till then existed only with regard to the central prisons. Nevertheless this is still a point where the central power is not completely independent of the local authorities, and where the vote of the general council of the department must lend its concurrence. The department has preserved since 1855 its property in the buildings used as houses of arrest, of justice, and of correction, and has been at the expense of all needed repairs.

Certain establishments for punishment do not depend on the direction of prisons in the ministry of the interior, to wit:—

1. The establishments in which men are undergoing the punishment of hard labour.

2. The prisons appropriated to prisoners of the army and navy.

The administration of the bagnios, of the penal colonies, and of the prisons of ports and arsenals, is centralised in the ministry of the navy; that of the military penitentiaries in the ministry of war. However the case stands with the central prisons, the houses of arrest, of justice, and of correction, and the establishments of correctional education for juvenile delinquents, the administration of prisons in the ministry of the interior has an importance which is computed by a budget of

about 15,000,000 francs, by a *personnel* of 4,700 *employés*, and by an average population exceeding 50,000 prisoners.

2. The establishments which receive prisoners are :

Navy :—

1. The penal colonies of Guiana and New Caledonia, and the bagnio of Toulon, for prisoners sentenced to hard labour.

Interior :—

2. The central prisons of hard labour and correction.

3. The houses of arrest, of justice, and of correction.

4. The penitentiary establishments devoted to the education of juvenile delinquents.

5. The chambers and dépôts of safe-keeping.

War and Navy :—

6. The prisons devoted to prisoners of the army and navy.

1. *Penal Colonies: Bagnio at Toulon.*—These establishments are placed under the jurisdiction of the ministry of the navy and of the colonies. The punishment of hard labour has been for a long time undergone in France, as formerly that of the galleys, in certain ports and arsenals. The execution of this punishment, with the open-air labour of the convicts, in sight of the free population, and in contact with it, was characterised by defects of every species, and by innumerable perils. The law of May 31, 1854, relative to the execution of the punishment of hard labour, brought a remedy to this state of things by substituting for the former punishment transportation with hard labour. Establishments devoted to transportation, on the territory of one or more of the French possessions, other than Algiers, can be created only in virtue of a legislative act. Nevertheless, in case of obstacles in the way of the transfer of convicts, and until such obstacles shall have ceased, this punishment is undergone provisionally in France. As a consequence of the enactment of the law of 1854, the bagnes of Rochefort and Brest were suppressed. There remains, therefore, only that of Toulon as a dépôt for convicts sentenced to transportation. The most important establishment for prisoners sentenced to hard labour is the penal colony of Guiana. A second was created in 1864, in an island of Oceania—New Caledonia—which offers, by the salubrity of its climate and the fertility of its soil, conditions propitious to transportation. The transportation of women is authorised by the law, in view

of marriages to be contracted with the convicts after their provisional or definitive liberation. The administration selected, from among the female prisoners of every class, those who expressed a desire to profit by these arrangements. These women are placed, to undergo their punishment until their provisional or definitive liberation, in a special establishment at Maroni, under the supervision of the religious ladies of Cherry. There are, already, a certain number of women at Cayenne; but the majority of females sentenced to hard labour still undergo their punishment in the central prisons of the Continent, agreeably to the sixteenth article of the penal code.

2. *Central Prisons*.—The central prisons of hard labour and correction receive—1. Certain persons sentenced to hard labour, namely, women and old men of the age of sixty and upward; 2. Persons sentenced to reclusion; 3. Persons sentenced as correctionals to an imprisonment of more than one year. The central prisons, whose origin dates back to the law of the Constituent Assembly of October 6, 1791, were constituted a general system, to extend over the whole country, by an imperial decree of June 16, 1808. Their existing organization dates from the royal ordinance of April 2, 1817, which gave them the name they still bear, of houses of hard labour and correction, a designation in harmony with the penal code promulgated in 1810.

3. *Houses of Arrest, of Justice, and of Correction*.—These prisons are also called departmental prisons, not only because they are devoted to the exclusive service of the department in which they are placed, but, above all, from considerations of property and of the budget. On one side, the property in them, though they belong to the State, was assigned to the departments by a decree of April 9, 1811, together with the charges thereupon, whether for repairs, enlargement, or the construction of new buildings; on the other side, the current expenses of these prisons were for a long time a charge of the departmental budgets. These prisons receive—the arrested; the accused; the *correctionnels* sentenced to one year and less; persons sentenced to severer punishments, who are awaiting their transfer; police prisoners; persons imprisoned for debts in matters criminal, correctional, of simple police, and of *fisc*;

juvenile prisoners, whether arrested, accused, or in the way of paternal correction; and civil and military prisoners *en route*. Houses of arrest and of justice are indispensable to each jurisdiction; consequently they are found in each place of *arrondissement*. To answer to the intention of the law (Article 604, *Code d'Instruction criminelle*), they ought to be entirely distinct from the prisons established for punishment. But the complications which would ensue upon this separation in the services, the increase of the *personnel* which it would render necessary in the greater number of localities, in which a single chief keeper is sufficient for the three houses, and, finally, the difficulty of obtaining from the departments special places, have led to this result: that the three houses are, in general, but three distinct wards of the same prison.

4. *Establishments devoted to the Correctional Education of Juvenile Delinquents*.—These establishments receive minors, of sixteen years and under, of both sexes. They are divided, for young male prisoners, into penitentiary colonies and correctional colonies. In the first are placed—1. Young children acquitted in virtue of the 66th article of the penal code as having acted without knowledge, but who are not sent back to their parents; 2. Young prisoners sentenced to an imprisonment of more than six months, and not exceeding two years. These establishments are public or private. Those are called public establishments which have been founded by the State, and of which the State names and pays the directors and *employés*; and those are called private establishments which are founded and directed by private persons, with the authorisation of the State. The correctional colonies receive—1. Young prisoners sentenced to an imprisonment of more than two years; 2. Young prisoners from the penitentiary colonies who have been declared insubordinate. The correctional colonies are all public establishments. A similar classification has been established for young female prisoners. They are received either into a correctional ward directed by the State, or into penitentiary houses connected with religious establishments. These various establishments were called into being by the law of August 5, 1850. There are actually counted of them thirty-two, namely: three public colonies, four correctional wards, and twenty-five private colonies. Twenty establishments are

devoted to young female prisoners. One of them is directed by the State.

5. *Chambers and Dépôts for Safe-keeping.*—The name of chambers for safe-keeping is given to places in which are received prisoners who are being conveyed from point to point in localities where there is no house of arrest, of justice, or of correction. These chambers and dépôts have the same destination as such houses, and are but places for the temporary confinement of prisoners *en route*. The chambers are under the care of the *gendarmes* of the locality; the dépôts under that of the agents of the administration of prisons. No punishment, however trivial, can be undergone in them. The number of this class of prisoners is about 2,400.

6. *Prisons devoted to Prisoners of the Army and Navy.*—These establishments are placed under the care of the ministries of war and of the navy. Houses of arrest and prisons of ports and arsenals receive—1. The sailors, soldiers, or labourers of the navy under disciplinary punishment; 2. Persons arrested for crimes or misdemeanours within the jurisdiction of the several tribunals of the navy; 3. Persons sentenced by these tribunals to correctional imprisonment of one year and under. Every military prison, situated in a place which is the seat of a council of war, should be divided into three sections: 1. A military house of arrest, receiving soldiers of every grade sentenced to disciplinary punishment; 2. A house of justice, receiving soldiers who are being conveyed before a council of war, and convicts awaiting either the execution of their sentence or a commutation of punishment; 3. A house of correction, receiving officers sentenced to the punishment of imprisonment, and soldiers sentenced to less than a year of imprisonment. Military penitentiaries contain persons sentenced to an imprisonment of at least one year. These are persons undergoing a punishment of a correctional nature—the only punishment that does not exclude from the ranks of the army. Painful and afflictive punishments, such as irons, hard labour, reclusion, involve military degradation and the remission of the convict to the civil authority for the execution of those punishments.

3. The question relating to the measure in which the cellular and associated systems are applied in France will be answered with reference to the several classes of prisons. The cellular

system is not applied in any central prison. The discipline of these prisons is that of detention in common with the obligation of silence. Some of them, however, have cellular wards, in which may be confined certain classes of prisoners. A certain number of houses of arrest, of justice, and of correction, are constructed on the cellular system. Out of four hundred in all, there are about fifty of this kind. The other departmental prisons have been constructed or arranged upon plans, the latest of which bears date January 7, 1863, and which have had for their aim the moral advantages of cellular imprisonment with economy in the means of execution. In these mixed prisons, then, the discipline is neither that of the cell nor that of imprisonment in common. It includes three kinds of imprisonment, that of wards designed for prisoners, whose isolation is required by no special circumstance, and who constitute the greatest number (with common yards, dormitories, and heaters;) that of common apartments which are capable of receiving certain classes of prisoners not very numerous; finally, that of individual apartments, designed to secure, in certain cases, private instruction, to protect against injurious or dangerous contact young prisoners under arrest, who are shielded by a presumption of innocence, and also to separate individuals for whom, before or after their condemnation, exceptional precautions of discipline or safe-keeping are necessary.

Among the establishments designed for youthful prisoners, the prison of La Roquette, situated in Paris, is the only one in which cellular imprisonment is applied day and night, but this prison receives only minors under sixteen years, arrested or accused, and persons sentenced to an imprisonment not exceeding six months.

4. As regards the results of the two systems of separation and association, there can be no question in France, except as to houses of arrest, of justice, and of correction; the only ones, as we have just seen, which have been constructed partly on the cellular system and partly on a system of a different kind. Nevertheless, it is impossible to establish, even for these prisons, a comparison of the results yielded by the two systems. On one side, in effect, the statistics do not make a distinction between prisoners in the cellular prisons and those confined in prisons of the other class; and, on the other, in a great number

of the former, it is only the edifice which is cellular. The system followed is that of association by day, in workshops for labour, and in yards for the hours of rest. Cellular separation takes place only at night. The cellular prison at Mazas, and a part of that called La Santé, both situated in Paris, form an exception to this state of things. The successive tendencies of the administration as regards the system to be followed in the houses of arrest, of justice, and of correction, may be epitomised thus: 1. Exclusive adoption of the cellular system down to 1853; 2. Subsequently to 1853, abandonment of that system from motives of economy, and adoption of a mixed system; 3. Resumption of studies, commenced in 1840, on the application of individual imprisonment. In the first period, the administration began by repelling every project of reconstruction and of repair of the houses of arrest, of justice, and of correction, not conformed to the rules of the cellular system. The expenses involved in this system, and the impossibility of any great number of departments providing the necessary funds from their own resources, arrested the favourable dispositions of the councils general; the administration then renounced, for the future, the cellular system, and entered upon a new path, by substituting the separation of classes for that of individuals. It is in this spirit that plans were prepared from 1853 and 1860 for the construction and arrangement of departmental prisons, which comprised, as we have already seen, wards, common apartments, and individual cells. These plans are still in vigour, only care has been taken, in building prisons during these later years, to multiply the number of individual cells.

But this system is not the last word of the administration in regard to the prisons of the departments. The results obtained by the system are far from being satisfactory. We shall see in effect in the matter of relapses, that out of one hundred prisoners in the central prisons fifty-two men and thirty-one women had been previously confined as convicts in the departmental prisons. The administration has, therefore, just resumed the studies commenced in 1840 on the application of individual imprisonment. This system, in effect, appears to be the only one capable of averting the dangers of promiscuous association, so formidable in prisons which receive prisoners of

origin the most diverse—arrested, accused, persons sentenced for at least a year, convicts awaiting transfer, young prisoners, civil and military prisoners *en route*, etc., etc. Separation by classes presents no difficulties, but there is a selection to be made of persons for each class, which requires great discrimination and a special study of the cases and character of every prisoner to prevent a corrupting contact with others. The chief keepers of the prisons of *arrondissement*, who have to maintain the order and police of the prison and to watch over the general services of the house, cannot be required to engage in this minute study of prisoners. That is impossible, and it is what renders promiscuous association so dangerous. Individual imprisonment, moreover, it would seem, ought to give to punishments of short duration a character of intimidation, which they now lack, the existing system too often producing only the sad effect of familiarising the prisoner with the *régime* of the prison. The consideration of economy, which heretofore has been of controlling force, and whose reality has been placed in doubt by recent examples, no longer seems sufficient to balance the opposite considerations of public morality, which recommend the abandonment of the *régime* in common as far as the arrested, the accused, and persons sentenced to short imprisonments are concerned.

5. Provision for the cost of maintenance of the prisoners in most penitentiary establishments is made—1. By the payment by Government of a sum for each day of imprisonment, fixed by contract, for a period, on agreement of the parties, generally of three, six, or nine years; 2. By the right conceded to the contractor, who has made the highest bid, to the product of the prison labour, on condition that he pay to the prisoners a portion of their earnings, the amount of which varies according to the penal class to which each prisoner belongs. The price of the labour is fixed by special tariffs, approved for each industry by the superior administration. In consideration of these conditions the contractor is obliged to provide for the board and maintenance of the prisoners, in health and sickness, as well as meet numerous obligations specified in a list of charges, which comprises not less than one hundred and sixteen articles.

Several important penitentiary establishments are adminis-

tered, as regards their industries, directly by the State. This mode of administration admits of a practical comparison of the two systems, and affords also the possibility of utilising the labour of the convicts under certain conditions which are quite incompatible with the management of the industries by way of contract; such, for example, as agricultural labour.

According to the latest statistics, the product of the labour in the central prisons, agricultural penitentiaries,¹ and kindred establishments, brought an average gain of 74·33 centimes for each day of *labour*, which was reduced to 53·90 centimes for each day of *detention*, or of presence in the establishment. The average *peculium*,² assigned to each prisoner on the above-mentioned gain, was 33·48 centimes for each day of *labour*, and 24·68 centimes for each day of *detention*. The contractor received, from the tenths conceded to him, 25·73 centimes for each day of detention. This sum represents the part which the prisoners contribute toward their support by labour. The proportion is the same for the two central prisons and the three agricultural colonies, whose industries are managed by the State. In general, and with the exception of the establishments in Corsica, the cost of support (not including the expenses of supervision and of administration) may be set down at 50 centimes per head for each day of imprisonment. Consequently, it may be claimed that the convict meets about one-half the cost of his maintenance.

It is important to remark that in one of the female central prisons it has been possible entirely to withdraw the subsidy granted to the contractor, the earnings of the prisoners being sufficient for the support of the establishment. In another prison the contractor, instead of receiving anything from the State, pays to it a centime per day for each convict. It is permitted to hope from this example that the administration will at length attain the end which it has always sought in this regard, that of exempting the treasury from the personal expenses of the prisoners who are confined in its great prisons for punishment. In the houses of arrest, of justice, and of correction, as in nearly all the central prisons, the contract system of labour is adopted. The system is worked upon the

¹ This name is given to the three central prisons established in the island of Corsica.

² The part of his earnings belonging to the prisoner.

same principles in the departmental as in the central prisons. The short stay of the prisoners in the greater part of these prisons, the difficulty of organizing workshops for groups of individuals, subdivided almost to infinitude, not only because of the small importance of the establishment, but also as a consequence of the necessity of classing them in distinct categories; and, in short, the difference in the number of tenths¹ assigned to the contractor make the departmental prisons proportionally more costly to the State than the central prisons.

Since 1855, when the service of the houses of arrest, of justice, and of correction became centralised in the ministry of the interior, the product of the labour, which, outside of the prisons of the Seine, did not exceed 16,000 francs, rose in 1868 to 1,811,672 francs (the earnings of about 14,000 labourers, out of a total number of prisoners amounting to 22,998). The average product of the labour, then, has been, in the departmental prisons, a little more than six centimes for each day of imprisonment (8,267,764 days). In 1868 the average expenditure for maintenance of these establishments was 50·30 centimes (not including the expense of supervision and administration). To sum up, it results, from the preceding explanations, that the part contributed by the prisoner toward the cost of maintenance may be placed at 50 per cent. in the central prisons, and at about 17 per cent. only in the departmental prisons.

The State, in the public colonies for juvenile delinquents, and the director, in the private colonies, gets, in principle, the total product of the labour of the inmates. There is no exception to this rule, save a deduction to provide for certain rewards, under the title of encouragements to labour and good conduct, and in what relates to children placed temporarily with persons outside. The directors of the private colonies receive a daily compensation for the labour of the *colons*, varying from 60 to 70 centimes, by means of which they ought to meet the expenses of the administration, the cost of maintenance, the expenses occasioned by their primary and religious instruction, as well as the redemption of the original cost of the establishment. It is difficult to estimate with precision the product of the daily

.. 1. Persons under arrest and awaiting trial for work done in the prison.
tenths of their earnings.

labour in the penal colonies. The juvenile prisoners are most commonly engaged in agricultural labours, or in improving the estate—labours whose value can be counted only in the increased value given to the domain which has been thereby improved. The cost of maintaining the convicts in the bagnio of Toulon—abatement being made of some diminutions of expense—was estimated, for the year 1868, at 65·68 centimes per day for each prisoner. At Guiana the cost per day amounted to not less than 1 franc and 71 centimes, including the proportional expense of transportation and return. There must, however, be deducted from this cost the value of the work done by the convicts, in regard to which it is impossible for the ministry of the interior to give sufficient indications.

6. In regard to the appointment of officers and their tenure of office: The rules which govern the naming of the various agents who compose the *personnel* of the penitentiary establishments are different according as the question relates to—1. The central prisons, the agricultural penitentiaries, and the public colonies of juvenile delinquents; 2. The houses of arrest, of justice, and of correction; 3. The private colonies of juvenile delinquents. In the central prisons and other similar establishments the functionaries, *employés*, and agents, to whichever service they may be attached, that is, whether they are proposed for the administration, properly so called, or for special services, or for supervision, are named by the minister of the interior. An exception is made in the case of keepers called residentiary (*stagiaires*), who are admitted by the prefects on presentation by the directors.—(Decree of December 24th, 1869, articles 8 and 9.) As regards the houses of arrest, of justice, and of correction, the functionaries and *employés* proposed for the administration are named by the minister, and the *employés* of the other services are named by the prefects, as also the agents of supervision, other than the chief keepers. Still, these appointments do not become definitive till they have received the ministerial approval. As regards the principal keepers, a recent decree of the chief of the executive power, under date of May 31st, 1871, reserves their appointment to the minister of the interior. By the terms of the law of August 5th, 1850, relative to the education of juvenile delinquents, every private penitentiary colony is governed by a responsible director, approved by

the minister of the interior. The *employés* placed under the orders of the director must be, in like manner, approved by the prefect. (*Loi du 5 août 1850; Règlement général du 10 avril 1869.*)

In the department of the Seine, where the prisons are managed, in many of their relations, under authority of special provisions, the directors are named by the minister of the interior, on presentation by the prefect of police; the other *employés* are named by the prefect. In effect, it is the prefect of police who, in Paris, administers the penitentiary establishments. The inspectors general of prisons and penitentiary establishments are named by the minister of the interior. The duration of the functions of the different *employés* composing the *personnel* of the penitentiary service is not limited by any determinate time. The agents who have not been gravely derelict in the exercise of their functions continue in office till they have reached the age at least of sixty and have been in service thirty years.

7. The management of penitentiary establishments requires technical and administrative knowledge of great breadth, and offers, besides, special difficulties, arising out of the complicated organization of the service. It demands, in truth, a profound knowledge of business, of ministerial regulations and details, and an unremitting application, a quality essentially requisite in all directors. The administrator who finds himself face to face with a contractor whose interests are directly antagonistic to those of the State, ought to unite an unceasing watchfulness with an intelligent control. The principal duties of the administrator of penitentiary establishments—such as the organization of the prison labour, the examination of tariffs of labour, the maintenance of discipline in the midst of a perverted population, the choice and employment of means to awaken in the prisoners thoughts of repentance and ideas of moral renovation—all these duties, and others analogous, demand a special aptitude, fortified by an experience more or less extended. Penetrated with the idea that the direction of the penitentiary establishments cannot be confided, without the gravest risks, to agents who do not offer the most trustworthy guarantees, the superior administration has established rigid rules to guard against the bestowal of the elevated functions

of the service upon agents whose aptitude and experience would leave the least room for doubt. In the same order of ideas, it exacts, in the case of all its agents, of whatever degree, the knowledge demanded by the positions which they are to fill, and makes their promotion dependent on conditions of time and experience, varying according to the importance of the trusts to which they aspire.—(*Décret du 24 décembre 1869, titre III.*) In short, to keep out of the service of the prisons agents unable to offer the guarantees desired, a ministerial decree, under date of March 25th, 1867, instituted, in the ministry of the interior, a commission charged with the examination of candidates for employment in the active service of the central prisons and the houses of arrest, of justice, and of correction. The programme of the required examination comprises the following points: writing, grammar, arithmetic, the principles of book-keeping, history and geography (principally of France), general notions of the penal system and of criminal procedure, general ideas of civil law, the civil and judicial administration, and the most important provisions of the laws, decrees, and ordinances relating to the penitentiary *régime*. The examination includes, in addition, a written composition.

Thanks to these various measures, the *personnel* of the prison service is composed, for the most part, of agents, enlightened, capable, and up to the height of the duties with which they are charged. Many of the higher officers unite to all the aptitudes required in the director of a penitentiary establishment a rare administrative ability and an extensive knowledge of criminality. In the lower ranks of the *personnel*, a majority of the agents are upright, zealous, and earnestly devoted to their duties.

8. There do not exist in France schools specially devoted to the education of the directors and *employés* of prisons, and the necessity for establishing them has not been made apparent. The best school, in matters of this kind, appears to be that of practice and experience, and the prescriptions of the decree of December 26, 1869, constitute, certainly, sufficient guarantees that positions in the prison service will not be confided to incapable and inexperienced agents.

9. As has been said in the answer to a previous question, prison officers whose commissions have not been revoked, con-

tinue the exercise of their functions until the day of their retirement from the service. The different agents of the penitentiary administration are subject, as regards their retirement and the pension that may be granted them, to the rules embodied in the law of June 9, 1853, relating to civil pensions. The principle laid down by this law is, that every public functionary, paid directly from the funds of the State, has a legal claim to a retiring pension, when he fulfils the required conditions of age and of continuance in the service, that is to say, when he has attained the age of sixty, and has accomplished a service of twenty years. It is important to remark that account is made of military services, when there are superadded to them twelve years, at least, of civil services. Moreover, a pension can be granted at fifty years of age, and after twenty years of service, to those who have become incapacitated from a longer discharge of official duty by grave infirmities resulting from the exercise of their functions. In short, this same law relieves from every condition of age and continued service—1. Those who may have been disabled from continuing their service, whether as the result of an act of devotion in some public interest, or in exposing their own life to save the life of one of their fellow-citizens, or as the result of a struggle or combat encountered in the discharge of their duties; 2. Those to whom a grave accident, resulting, notoriously, from the exercise of their functions, shall have made it impossible to continue in the service.

10. Simple imprisonment is a correctional punishment; its duration is for six days at least, and for five years at farthest. The individual sentenced to simple imprisonment may be deprived, wholly or in part, of his civil and his family rights. In case of relapse the duration of the punishment may be doubled. The punishment of simple imprisonment is undergone in the departmental houses of correction, in case it is not for more than a year. Sentences to simple imprisonment for more than a year are undergone in the central prisons of hard labour and correction. The convict is employed at some one of the labours carried on in the establishment. (Articles 40 and 41 *du Code pénal*).

Reclusion is a punishment afflictive and infamous. Every person sentenced to reclusion is confined in a central prison,

and employed in labours which are carried on in the prison. The duration of this punishment is for five years at least, and for ten years at the utmost. A sentence to the punishment of reclusion implies, moreover, the loss of civic rights. Hard labour is an afflictive and infamous punishment. The actual mode of application of this punishment is regulated by the law of May 30 and June 1, of which mention has already been made. The sentence to hard labour for life implies civic degradation and civil death. A sentence to hard labour for a limited term draws after it civic degradation. The person so sentenced is, during the continuance of his punishment, in a state of civil death. A guardian and subrogate guardian are appointed for him, to manage and administer his goods. The sentence which imposes the punishment of hard labour is printed and posted in the central city of the department, in the city where the sentence was pronounced, in the *commune* where the crime was committed, and in that of the domicile of the convict. Criminals sentenced to hard labour for a limited term are, at the expiration of their sentence and during their whole life, legally under the supervision of the police.

11. In the departmental prisons the prisoners are, as much as possible, divided into classes. Adults and juveniles under arrest, and civil and military prisoners *en route*, occupy separate places in a ward which takes the name of house of arrest. The accused, and persons sentenced by the court of assizes, awaiting their transfer, occupy distinct places in a ward which takes the name of house of justice. Persons sentenced to simple police punishments, and those sentenced correctionally to punishments whose duration does not exceed a year, are confined in a special ward, which takes the name of house of correction. In the female wards, the arrested, the accused, the sentenced, young girls, and prisoners *en route*, form distinct classes, and occupy separate apartments, as far as the prison buildings permit. In what concerns the classes of sentenced prisoners forming the populations of the central prisons, the second article of the royal ordinance of April 2, 1817, directs that persons sentenced by courts of assizes and by correctional tribunals shall be confined in distinct and separate places. Hitherto it has not been possible to apply this rule, but the central administration has for some time

had under consideration a project which will enable it soon to give effect to the terms of the above-mentioned ordinance. Conformably to this project, certain central prisons will be exclusively devoted, some to reclusionaries, others to correctionals. The male and female prisoners undergo their punishments in distinct central prisons. Special wards in the central prisons of Clairvaux and of Nîmes are reserved for persons sentenced to simple imprisonment. Juveniles from sixteen to twenty-one years of age, who from their age are exposed to certain dangers from which it is necessary to withdraw them, are placed in the agricultural penitentiary of Castelluccio, Corsica, or in special wards. For a long time the French administration has felt the necessity of creating in the prisons classes based, above all, upon the degree of perversity of the convicts confined in them. Thus, on the one side, the dangerous prisoners, those who, before their conviction, had a character which would be likely to expose them to the outrages of their fellow-prisoners, or who might be a cause of disorder and insubordination, are placed in special cellular wards, called wards of isolation. Wards to which has been given the name of wards of preservation and amendment, have, on the other side, been established in various central prisons and appropriated to persons sentenced for a first offence committed under the influence of a sudden impulse, or of some violent and momentary passion.

This experiment is still so recent that it would be rash to pronounce upon its results ; but the conditions under which it has been thus far conducted are of a nature to encourage the administration to persevere in the path on which it has entered. It can be affirmed that the prisoners placed in these wards have shown themselves sensible to the distinction of which they have been made the object, and have exerted themselves to justify it by their good conduct. They have been remarkable for their industrious application to work, and the local administration has rarely been under the necessity of putting them back into the common ward.

12. Prisoners may be restored, by pardon, to free life ; they can also obtain commutations or reductions of punishment. An ordinance of February 6, 1818, fixes the rules to be followed in applications for clemency, which is generally exercised in

concert with the administrative and judicial authorities. The admission of prisoners on the registers of preservation is not exclusively the result of their good conduct in prison. Regard is also had to their antecedents and the causes of their conviction. Greater severity and circumspection are shown in regard to recidivists and to convicts whose crimes point them out as specially dangerous, as well as in regard to those who, from their criminal connections, would seem almost sure to fall back into crime after their liberation. As a general thing, prisoners placed on the lists of preservation must have previously undergone one-half of their punishment; still, this condition is not indispensable. Finally, what is to be said relating to military prisoners will be introduced under a special head.

13. The products of the labour of persons sentenced correctionally, who undergo their punishment in a departmental house of correction, are shared in moieties between the administration and the prisoners, the administration surrendering its share to the contractors, who, by the terms of their contract, are charged with the entire expense of the economic services. The State pays to the contractors, in addition, a fixed sum for each day of imprisonment. Labour is obligatory only for those who have been sentenced. The arrested and the accused can work when they desire it, and when it is possible to place tools in their hands without having to fear suicides or escapes. The labour of the arrested and the accused, who have a right to the whole of the product, is the object of special agreements. To indemnify the contractor, who has to furnish material and tools, there is made, in his favour, from the sum total of their earnings, a deduction of three-tenths. In the central prisons the product of the labour is divided into tenths. A portion of these tenths is assigned to the convicts, and takes the name of *peculium*. The quota of tenths granted to the convicts is determined by the nature of the punishments and the number of convictions incurred. The assignment is adjusted between the three classes thus: correctionals, five-tenths; reclusionaries, four-tenths; those sentenced to hard labour, three-tenths. The part assigned to prisoners sentenced on relapse is reduced from one to two-tenths for each previous conviction, down to the limit of the last tenth, which is, under all circumstances, paid to the convict. The *peculium* is divided by moieties into pecu-

origin the most diverse—arrested, accused, persons sentenced for at least a year, convicts awaiting transfer, young prisoners, civil and military prisoners *en route*, etc., etc. Separation by classes presents no difficulties, but there is a selection to be made of persons for each class, which requires great discrimination and a special study of the cases and character of every prisoner to prevent a corrupting contact with others. The chief keepers of the prisons of *arrondissement*, who have to maintain the order and police of the prison and to watch over the general services of the house, cannot be required to engage in this minute study of prisoners. That is impossible, and it is what renders promiscuous association so dangerous. Individual imprisonment, moreover, it would seem, ought to give to punishments of short duration a character of intimidation, which they now lack, the existing system too often producing only the sad effect of familiarising the prisoner with the *régime* of the prison. The consideration of economy, which heretofore has been of controlling force, and whose reality has been placed in doubt by recent examples, no longer seems sufficient to balance the opposite considerations of public morality, which recommend the abandonment of the *régime* in common as far as the arrested, the accused, and persons sentenced to short imprisonments are concerned.

5. Provision for the cost of maintenance of the prisoners in most penitentiary establishments is made—1. By the payment by Government of a sum for each day of imprisonment, fixed by contract, for a period, on agreement of the parties, generally of three, six, or nine years; 2. By the right conceded to the contractor, who has made the highest bid, to the product of the prison labour, on condition that he pay to the prisoners a portion of their earnings, the amount of which varies according to the penal class to which each prisoner belongs. The price of the labour is fixed by special tariffs, approved for each industry by the superior administration. In consideration of these conditions the contractor is obliged to provide for the board and maintenance of the prisoners, in health and sickness, as well as meet numerous obligations specified in a list of charges, which comprises not less than one hundred and sixteen articles.

Several important penitentiary establishments are adminis-

tered, as regards their industries, directly by the State. This mode of administration admits of a practical comparison of the two systems, and affords also the possibility of utilising the labour of the convicts under certain conditions which are quite incompatible with the management of the industries by way of contract; such, for example, as agricultural labour.

According to the latest statistics, the product of the labour in the central prisons, agricultural penitentiaries,¹ and kindred establishments, brought an average gain of 74·33 centimes for each day of *labour*, which was reduced to 53·90 centimes for each day of *detention*, or of presence in the establishment. The average *peculium*,² assigned to each prisoner on the above-mentioned gain, was 33·48 centimes for each day of *labour*, and 24·68 centimes for each day of *detention*. The contractor received, from the tenths conceded to him, 25·73 centimes for each day of detention. This sum represents the part which the prisoners contribute toward their support by labour. The proportion is the same for the two central prisons and the three agricultural colonies, whose industries are managed by the State. In general, and with the exception of the establishments in Corsica, the cost of support (not including the expenses of supervision and of administration) may be set down at 50 centimes per head for each day of imprisonment. Consequently, it may be claimed that the convict meets about one-half the cost of his maintenance.

It is important to remark that in one of the female central prisons it has been possible entirely to withdraw the subsidy granted to the contractor, the earnings of the prisoners being sufficient for the support of the establishment. In another prison the contractor, instead of receiving anything from the State, pays to it a centime per day for each convict. It is permitted to hope from this example that the administration will at length attain the end which it has always sought in this regard, that of exempting the treasury from the personal expenses of the prisoners who are confined in its great prisons for punishment. In the houses of arrest, of justice, and of correction, as in nearly all the central prisons, the contract system of labour is adopted. The system is worked upon the

¹ This name is given to the three central prisons established in the island of Corsica.

² The part of his earnings belonging to the prisoner.

or in public, isolation at meals, erasure from the roll of honour, and confinement in the punishment cell. Escape from prison involves the loss of the *peculium* of the juvenile prisoner, and prevents his being proposed as a candidate for provisional liberty. Confinement in a punishment cell can be inflicted only for offences of the gravest character.

17. Every day (Sundays and fête-days excepted) the director of a central prison, assisted by his assessors, holds a tribunal of disciplinary justice, at which are required to appear prisoners reported on the previous evening as having committed some infraction. The chief keeper inscribes, at the same moment, upon his register the decisions of the director. Minutes are kept of the proceedings of each session. The punishments adjudged are inscribed by the schoolmaster on the bulletin of the moral statistics of the convict. In the houses of arrest, of justice, and of correction, the punishments are inflicted by the director or the chief keeper, and are inscribed on a special register, which is subject to the inspection of the prefect and the mayor. In the colonies of juvenile delinquents the director alone has the right of inflicting punishments; these must be inscribed on a special register, and on the bulletin of moral statistics, which is attached to the papers (*dossier*) of each inmate.

18. In the houses of arrest, of justice, and of correction, a chaplain, chosen ordinarily from among the priests attached to a parish of the city, is charged with the moral and religious service. In each of the central prisons, and of the more important houses of arrest, of justice, and of correction, a special chaplain is exclusively devoted to the religious service, and is considered a regular *employé* of the establishment. Liberty of conscience is guaranteed to convicts of all religions. Every prisoner, on his entrance into the prison, is required to declare to what religion he adheres, a declaration whose truth is verified by an administrative information, and in case he does not belong to the Catholic religion he is transferred, whenever it is possible, to an establishment designed to receive prisoners of the same religion with himself. In the houses of arrest, of justice, and of correction, every non-Catholic prisoner under arrest or accusation, whether Protestant or Israelite, is interrogated as soon as he enters the prison, to ascertain whether he wished

to be visited by a minister of his religion, and, upon his affirmative response, the minister least distant from the establishment is written to and informed of his wish. As regards the convicts, the regulations are formal; they are required to be present at all the exercises of their religion in the prison where they are undergoing their punishment.

19. In the houses of arrest, of justice, and of correction, which in general—save in the chief places of the departments—have but a moderate population, the duties of the chaplain are limited to celebrating divine service on Sundays and fête-days, to giving to the prisoners, at least once a week, a religious discourse, to visiting the dungeons, cells, and infirmaries, to being present with those condemned to death at their last moments, to visiting the sick when they desire it, and to teaching the catechism to the young prisoners who have not made their first communion. His visits in the prison must be made at least twice a week. These obligations are common to the ministers of dissenting religions in everything which is applicable to them. In the large penitentiary establishments, the chaplains consult with the directors in determining upon the various religious offices and services. They visit the infirmaries, the sick, the places of punishment, and the solitary cells. In the sessions of the tribunals at the *pretorium* of disciplinary justice, they are entitled to a place among the assessors of the director. To prisoners who are prevented, by their age or infirmities, from taking part in the labours of the evening, they give moral, religious, or instructive readings. They are called upon to give their advice on propositions for the exercise of executive clemency.

20. Religious instruction cannot have a great importance in the houses of arrest, of justice, and of correction, as their population is renewed almost daily, more particularly in the houses of arrest of *arrondissement*. The chaplains of these establishments, being at the same time parish priests, have not generally the time necessary to discharge their ministry with success. In establishments situated in the chief place of the department, where the sojourn of the prisoners is more prolonged, the chaplain is often exclusively attached to the prison. He can then devote more time to the reformation of the prisoners. In the central prisons for women, where, over and above the aid of the

chaplain, there is that of religious communities, to whose care is confided the service of supervision, it is no uncommon thing to see prisoners come to themselves, and renounce a past which they strive to forget. Prison reform has found an active co-operation in the devotion and piety of the sisters.¹ Religious instruction does not yield, in the central prisons for men, as good results as in those for women, whatever may be the efforts of the chaplains. Recent statistical studies have informed us that, generally, convicts coming from the country are more accessible to religious sentiments, and the precepts of morality, than those from great cities, that is to say, from important manufacturing cities, where corruption is more advanced and where the principles of religion are often ignored or denied.

21. No person is admitted into prisons to labour for the reformation of the prisoners, without a special authorisation from the minister of the interior. In the houses of arrest, of justice, and of correction, commissions of supervision, composed of men held in the highest esteem in each department, have been formed, whose mission is to watch over all the services of the prison, and, in particular, over everything that relates to the moral reformation of the prisoners. These commissions are called, above all, to give their services in the prisons of *arrondissement*, where the action of the director, whose residence is at the chief place of the department, is not immediately felt. Commissions of supervision have not, as yet, performed any services in the central prisons.

22. There are not in our prisons any Sunday-schools, properly so called. The administration aims to have the repose of the Sabbath strictly observed, and the day consecrated to religious offices, and to the reading of moral and instructive works. Yet a number of the chiefs of penitentiary establishments, with a view to avert the dangers of a protracted idleness, have thought it their duty to organise an hour of school on Sunday. The superior administration has generalised this innovation. In the penitentiary colonies, where, at a certain period of the year, the exigencies of agricultural labour put an end to the work of the class-room, the juvenile prisoners find compensa-

¹ A special religious order—the order Marie-Joseph—was founded thirty years ago, for the service of supervision of female prisons.

tion in the instruction given them, for two hours, on the Sabbath.

23. A special regulation of the administration determines, in each house of arrest, of justice, or of correction, the days and hours on which attention must be given to correspondence. In the central prisons, ordinarily the prisoner can, once a month, on a Sunday, or a feast-day, write to his family. He can correspond only with his nearer relatives, and with the guardian appointed for him, in execution of the nineteenth article of the penal code, save in exceptional cases, of which it belongs to the director to judge. All relation with convicts confined in other prisons, and even with persons arrested or accused, is forbidden him, unless, at least, there exist ties of consanguinity between them and the prisoner. The same prohibition exists in regard to liberated prisoners—no communication being permitted with them. In a word, the administration permits to the convict correspondence only with his family, and such as is absolutely required by attention to positive interests. The letters which prisoners may have occasion to address to the administrative authorities, and letters relating to disclosures to be made to the judicial authority, go sealed to their destination, without having undergone the inspection of the chief of the establishment. In this regard any facility is accorded to the prisoners. The directors of prisons are charged with examining the correspondence of the prisoners on their arrival and at their departure. This duty is confided to the chief keepers in the houses of arrest, of justice, and of correction. The letters retained by these last must be sent to the mayor or the sub-prefect, who considers whether there is any occasion to deprive the prisoner of his correspondence. With regard to permission to receive letters from outside, the prison regulation determines still the conditions of the correspondence. In the central prisons it is the duty of the directors to arrest all letters which contain communications in violation of the rules of the service. In such cases extracts are made which are imparted to the convict.

24. Correspondence with friends other than relations is not allowed. The prisoner can write only to the members of his family most nearly related to him. If appearances may be trusted, if account is taken of the sacrifices which the prisoner

imposes on himself in sending to his family pecuniary aid, we are compelled to recognise the fact that the ties of relationship are still very strong.

25. The reasons which have led to the prohibition of all correspondence with their friends, equally forbid that they should receive the visits of these latter. Beyond the cases of special authorisation by the prefects and sub-prefects, convicts can receive no visits. There are, nevertheless, excepted from this rule the father, mother, wife, husband, brother, sister, uncle, aunt, and guardian, for whom, in the departmental prisons, the written authorisation of the sub-prefect suffices, and in the central prisons that of the director of the establishment or the prefect. As regards the visits made necessary by higher considerations, such as those of advocates, notaries, magistrates, or ministerial officers, a special authorisation is necessary, and is generally accorded. Prisoners arrested or accused can receive the visits of their relatives, or carry on correspondence with them, only so far as the committing magistrate or the attorney-general of the republic shall not have forbidden it.

26. The special rule of each establishment determines the days and hours at which it is permitted to relatives to visit the prisons. Permits of communication are given—on work-days, only for the hours of recreation; on feast-days and Sundays, only at times not consecrated to religious offices. During the visit, the duration of which is fixed by rule, and does not ordinarily exceed twenty or twenty-five minutes, an agent of the service of supervision is present for the purpose of preventing all communication other than that by word of mouth, and to overlook the parties and prevent whatever might give occasion to abuses or to infractions of the discipline. Yet the directors accord to the prisoner, under certain circumstances, greater facility and more liberty to communicate with the members of his family than is indicated above.

27. The moral effect of these visits is, in general, rather good than bad.

28. The number of prisoners who are able to read at the time of their commitment may be determined thus: During the three years 1867 to 1869, when the average number of prisoners under arrest and accusation rose to 44,133, 1,939 persons (men and women) were able to read—that is, 43·7 per

cent. During the years 1866 to 1868 the average number of convicts rose to 18,463; of this number 2,348 were able to read, which gives an average of 12·72 per cent. per annum. Finally, during the same three years, out of a mean population of juvenile prisoners to the number of 8,139, 1,532 were able to read, which is an average of 18·86 per cent.

29. The organization of primary instruction in the penitentiary establishments of France dates really from 1819. In virtue of a decree of December 26 of that year, primary instruction, embracing reading and the first elements of calculation, was required to be given to prisoners, following, as far as their number permitted, the method of mutual instruction. Since that time the administration has established schools in all the important prisons. In 1866, the minister of the interior ordered that a greater extension be given to primary instruction, and required that almost the entire prison population should be made to share in it, with the exception of old men, invalids, and those whose perversity requires their exclusion. The greater part of the departmental prisons are necessarily without schools, on account of the very brief sojourn of the prisoners in them, and the obligation which exists of separating the different classes; but the administration has succeeded in organizing schools in the prisons of the chief places of departments, in which the greater number of prisoners permits the employment of a clerk, who is charged at the same time with the keeping of the school. In the establishments of correctional education primary instruction is required to be given to all the juvenile prisoners. It comprises reading, writing, the first four rules of arithmetic, and the legal system of weights and measures. To this list of branches may be added mental calculation, surveying, linear drawing, and general notions on the geography and history of France. It is in like manner recommended that, in the establishments appropriated to young girls, elementary instruction be carefully imparted.

30. The penitentiary administration has not been able, thus far, to allow all the prisoners to participate in the benefits of primary instruction. Whilst striving to give a stronger impulse to instruction, it has been obliged to discriminate in admitting prisoners to the school, by receiving first the youngest, afterward adults, and among the latter those whose conduct is the

most satisfactory. In most of the male prisons the number of prisoners admitted to the school varies from 12 to 15 per cent. of the total population. In the female prisons, it is from 5 to 8 per cent. Attendance at school is obligatory on all the juvenile prisoners. Several hours of each day must be spent in school, except when the exigencies of agricultural labour at the time of harvest compels a restriction of the schooling to Sundays.

31. The instruction given in the prison schools consists of reading, writing, calculation, a little orthography and geography, and the metric system. As regards the methods followed, the systems are different; they vary according to the judgment and taste of the teachers. In the more important houses of arrest, of justice, and of correction, and in the male central prisons, the school is presided over by a lay teacher, to whom the chaplain lends, from time to time, his co-operation, in order to give to the instruction the moral and religious character which the administration seeks always to impress upon it. Monitors are selected from among the more intelligent and better educated prisoners. In the female central prisons the school is confided to the care of religious sisters. They are aided by monitresses chosen from among the prison population. The progress made by the prisoners of both sexes is generally rather slow, owing to the little aptitude of the greater part of the scholars. Many of the prisoners who entered wholly illiterate leave the prison knowing how to read, to write passably well, and to perform the simpler operations of arithmetic; but a complete elementary education is rare. The administration has not been, thus far, as well satisfied as it could have wished with the results of the instruction given in the prisons. It is at this moment engaged in seeking new methods of instruction, and the council of general inspection is charged with the study of measures to be adopted for a better organization of the schools in the penitentiary establishments. The teachers are required to make each year the reports necessary to inform the superior administration as to the progress of instruction. They must state the degree of education possessed by the young prisoners at the time of their entrance into the establishment. Mention of this, and of the date of admission to the school, are written on the tablets of each scholar, under his

name, to which is added a statement of his age. The tablets are shown to the inspectors-general at the time of their visits, so that they may personally assure themselves of the progress of each juvenile prisoner, and particularly of those who are soon to be liberated.

32. At the end of successive studies on the subject of libraries, the minister of the interior addressed, in 1864, to all the heads of penitentiary establishments, a catalogue comprising the books which were thereafter required to be distributed for the reading of the prisoners. This catalogue includes works for Catholics, Protestants, and Israelites, which are intended to serve for their moral and religious instruction; also books of history, accounts of voyages, literary works, treatises on ordinary and technical science, novels, and miscellaneous works. These books are examined with care by the council of general inspection of the prisons. The works of piety admitted by each religion are designated only on the recommendation of the ministers of the different religions. The catalogue contains special indication of the books more particularly adapted to men, to women, and to children. At this moment the superior administration is engaged in organizing libraries in all the penitentiary establishments. This measure, which is on the point of realization, will involve in the purchase of books an expenditure of about 30,000 francs.

33. The prisoners are generally fond of reading. Those who have a knowledge of this art nearly always profit from the practice of it. They have their Sundays for reading, and on week-days they read during the hours of rest and at meals. In some establishments there are readings in common to convicts who are unoccupied, and to others during the intervals of labour. Sometimes such readings are given during meal-time in the refectory. The prisoners listen to them with interest, but those who know how prefer to read to themselves. The distribution of books takes place under the superintendence of an agent of the administration—namely, either the instructor or the chaplain, who, in his selection of books, has regard to the antecedents, the aptitudes, and the conduct of each prisoner, and the officers charged with this duty perform it in such manner as to cultivate a taste for reading, by all the means which are consistent with the exigencies of the service. The

obligation of silence imposed on the prisoners by the regulation of May 10, 1839, has greatly contributed to a love for reading on their part. Books specially written for prisoners are not those which they prefer. They read with greater pleasure books of history, voyages, novels, and narratives which have touches of the marvellous, of elevated sentiment, and of renowned actions. Reading exerts a happy moral influence upon the prisoners. Those who contract a taste for it during their imprisonment are generally well behaved. Properly directed, reading effects a salutary revolution in the soul and imagination of the prisoner. Hence, the choice of books is a matter of great importance. Works which amuse by the interest of the drama and the charm of the style, and those which have in them an element of instruction, contribute to enlighten and to inform the prisoner, at the same time that they afford to him diversion and consolation. They serve to awaken in him the love of home, and sometimes predispose him to the duties of religion.

34. The central administration attaches great importance to the hygiene of the prisons, and it takes special pains to free them from every source of humidity. Even where the buildings which serve for imprisonment are not its own property, it reserves to itself an absolute right of control, as well as of preliminary approval, of all constructions and repairs appertaining to them. It has the power to insure, and it does insure effectively, that sanitary precautions are never neglected. The projects, plans, and estimates prepared either by the architects of the central prisons, or by the architects of the departments, or by other professional men, are, agreeably to the 12th and 14th articles of a decree of the chief of the executive power, under date of November 25, 1848, submitted to the examination of the inspectors-general of prisons, assembled in council, to whom are added, whenever the question relates to sanitary science, the medical inspectors-general attached to the sanitary service of the prisons. To understand thoroughly the spirit in which this examination is made, especially as regards drainage, it is sufficient to glance over a circular of January 7, 1863, to which is subjected a plan for the construction or alteration of houses of arrest, of justice, and of correction. There are found in this plan the following rules:

The foundations and lower portions of the ground-floor should be made in such manner as to completely exclude the humidity of the soil.

The soil of the ground-floor should, as a general thing, be raised a half metre at least above the exterior soil, by means of materials adapted to exclude humidity, and in cases where it is absolutely necessary to construct dormitories on this floor, this elevation should be carried to not less than one metre.

At the foundation of the buildings there should be placed reverses or foot-pavements, to carry off the humidity.

For carrying off the water, there should be gutters or sewers, but no draining wells.

If these regulations cannot be applied, in all their details, to old constructions, they serve, at least, as a base or term of comparison, and act as a motive leading to alterations, by means of which the administration has succeeded in securing, almost everywhere, a satisfactory sanitary condition of the prisons.

35. No prescribed rule determines the quantity of water to be provided for the necessities of the prisons. The plan above mentioned limits itself to recommending in all prison constructions, as an indispensable prerequisite, a good supply of water, and, with rare exceptions, it is with abundance rather than parsimony that water is brought into all our prisons.

As regards the quality, prisoners are generally treated like the free population of the localities in which they are incarcerated. Among the establishments destined to their use, a great number are supplied with the same water which the neighbouring cities or villages procure for their public fountains. The administration knows too well the influence which the water habitually drunk exercises upon the health of the prisoners not to take care that it be pure and healthful.

36. The ventilation of the prisons is made the object of a very special attention. The plan indicated below contains formal rules to this effect, among which are found the following :

The windows should have at least 1·2 metres in height to 1 metre in width on the ground-floor, and 1 metre in height to 0·8 of a metre in width on the first floor.

The dormitories, workshops, and common apartments should be conveniently arranged and well lighted, and aired on two sides if possible, and should give at least 15 to 20 cubic metres of space to each prisoner, in addition to the special means of ventilation.

As regards these special means, those which are most effective consist of draught-chimneys (*cheminées d'appel*), placed at the top of the rooms to be ventilated, and working by means of small openings of some centimetres square made in the wall, so as to cause the foul air to escape and facilitate the renewal of the air. For all the old constructions, in which the rules laid down in the above plan would be too difficult or too expensive to reduce to practice, the inspectors-general carefully indicate, at the conclusion of their visitations, the improvements which they regard as necessary to a good ventilation. Almost all the observations hitherto made tend to show that in order most surely to attain this end, it is indispensable that openings be placed in the two parallel walls of each apartment destined to receive a large number of individuals. Thus it is sought as much as possible to make little openings, called *barbicans*, in the top of the wall facing the windows, which give light to each apartment. The results obtained by this simple arrangement, already almost everywhere adopted, are highly satisfactory.

37. The plan for the construction of departmental prisons, decreed in 1863, recommends corridors and stairs well lighted and airy, and the suppression of dark subterranean passages. It prescribes that the floors of the several stories, especially for apartments in common, except the infirmary, be, as far as possible, covered with cement or stucco, in preference to flagging, tiles, or planks. The walls and ceilings are required to be carefully plastered and painted with oil, or at least washed with lime. These precautions, whose aim is to facilitate the maintenance of cleanliness, are completed by official measures, whose daily or periodical execution is placed in charge of the contractor of each establishment where the industries are managed by contract. These measures are specified in the contract. They consist principally in frequent and repeated sweepings, washings, and cleanings, as well as in fumigations, and in the annual whitewashing of all the buildings.

38. The means of securing the personal cleanliness of the prisoners are of two kinds. The one, as the daily toilet, the bath, the washing of the feet, and the removal of the beard and long hair of the men, is applied directly to the individual. The

other has for its object the linen and the clothing provided for the prisoners' use. They are both as extensive as possible, and are made the subject of numerous and detailed rules in the conditions of the contract and the regulations of the prisons. The same rules are applied in general to the female prisons and educational colonies for young girls, with the exception of the obligation to wear the hair short. Entire liberty of action is left with them in this respect. The arrested and accused are subjected to no other obligations than those which are indispensable to the maintenance of good discipline, of general cleanliness, and of the health of their fellow-prisoners. They are permitted to keep their beard and their hair.

39. The central administration has long been impressed with the grave inconveniences occasioned by water-closets placed adjacent to the dormitories or other apartments occupied by the prisoners. As early as 1819 a decree of the minister of the interior, under date of December 25, bears traces of his attention to this matter. The fifteenth article decides, in effect, that measures shall be taken to protect the dormitories, and especially the infirmaries, from the infection of the gases emanating from the privies. He adds that the *latrines* placed within the interior of the dormitories and cells shall be removed, and their places supplied by buckets, which are emptied and washed twice a day. The several essays made since that period have shown that whatever may be the precautions taken, whatever the system adopted, the privies are always an unhealthy neighbourhood, and that the best plan is to have none at all, or at least to place them outside of the buildings; for example, in the space between the two encircling walls of the prison. These rules, which have been closely followed in the prisons recently constructed, have not yet been fully applied to the old prison buildings. The displacement of the privies involves considerable expense, from which, hitherto, many of the old establishments have recoiled. They have also, in considerable numbers, been retained in the exercise yards. But, as regards the introduction of buckets into the dormitories and workshops, the measure is now general, and is applied with satisfactory results in all the penitentiary establishments. The removal of the privies, which still existed in the exercise yards in a certain number of establishments, is constantly

going on, and a ministerial circular of March 20, 1868, recalls the considerations of salubrity and security, as well as of decency, which recommend the suppression of the latrines in those courts.

40. In the interest of good morals, as well as for the purpose of rendering supervision more easy, sundry regulations have prescribed the lighting, during the night, if not of the cells, at least of the common dormitories. This rule is applied to all of the penitentiary establishments. No particular mode of lighting is fixed upon absolutely. The administration reserves to itself the power of regulating it in each individual case, and it permits, indifferently, the use of candles or lamps, either of oil or petroleum, or mineral essences. Gas is also sometimes used. However, according to the terms of the contract made for the central prisons, the contractor can use the mineral oils only on condition of conforming to such measures of precaution as may be prescribed to him. The necessary material must be furnished by him, and the supply renewed when necessary; and he is required to place in the dormitories small sheet-iron chimneys to carry outside the smoke of the lamps.

41. The heating of the prisons of every class is generally effected by means of stoves placed in the rooms which are to be heated. Some establishments, and those among the most important, are well furnished with heating apparatus placed in the cellars or basements, which is designed to diffuse the heat throughout the several parts of the building; but serious inconvenience, as well in regard to the expense as to the distribution of the heat, have caused an abandonment of the system. A note which accompanies the plan already referred to resolves this question thus: 'The hot-air furnaces have not hitherto yielded satisfactory results. The workshops and other places where the prisoners are in association can be more readily heated by simple stoves. It is the same with individual cells.' The administration aims only to prevent the effects of excessive cold, in other words, to spare the prisoners the physical suffering which might react injuriously upon their health. The contract for the service of the central prisons recalls, in articles 54, 55, and 56, the obligations which, in this regard, rest upon the contractor. The contract for the services of the departmental prisons contains the same enumeration in article 46.

Finally, as regards the colonies of juvenile delinquents, the regulation of April 10, 1869, contains the following provisions :

ARTICLE 21.—The schools and workshops shall be heated during six months of the year, viz., from October 15 to April 15.

ARTICLE 22.—The infirmaries and bath-rooms shall be heated for a longer period if the physician think it necessary.

42. Experience has shown that iron bedsteads are preferable to all others, and for many years they have been the only ones whose purchase has been authorised by the administration for the departmental prisoners, as well as for the central prisons, and the colonies of juvenile delinquents belonging to the State. The bedstead, thus uniformly adopted for the whole of France, and which is to-day the only one recognised in the official regulations, is decreed in a note accompanying the ministerial circular of September 26, 1867, with this reservation, that the bottom in wire-cloth designed to receive the mattress must be replaced by an iron or sheet-iron lattice in prisons where palliasses were formerly in use. At the same time, in adopting definitively the model of a uniform bed for all the prisons, the administration did not intend that the then existing beds, of whatever style they might be, should be immediately displaced. On the contrary, it took pains to state, in a circular of May 20, 1868, that this expensive change should be made gradually, and only as cases of absolute necessity for some change arose. It follows from this that there are still found in some prisons traces of different kinds of beds, authorised prior to 1867, particularly by the general regulation of 1841, which had permitted, indifferently, the hammock, the bunk, and the iron bedstead. The work of transformation, pursued by the administration with prudence and economy, is already far advanced. In the infirmaries the iron bedstead has long since been everywhere introduced. Larger dimensions are given to the hospital than to the ordinary bedstead.

43. After having, formerly, consisted of loose straw, spread either on the floor or on camp bedsteads, the bedding of the prisoners has undergone, since the commencement of the century, successive ameliorations, which have brought it to the satisfactory state in which it is found to-day. The complete

bed of each able-bodied prisoner is composed of an iron bedstead, a mattress, or palliasse, a bolster, two sheets, and one coverlet in summer, and two in winter. While the above-enumerated articles are of somewhat larger dimensions and a better quality for the sick than for those in health, there are added for the former a pillow and curtains. Moreover, they ought to have, and they have, both a mattress and a palliasse. These various articles, which are specified, with all the necessary details, in the contract, are supplied to the prisons of every class, with this single difference: that, in the central prisons, the mattress constitutes the bed required by administrative regulation, and is found everywhere; whereas in the other establishments the mattress or the palliasse is indifferently supplied; and, as a consequence, the palliasse is generally used in the houses of arrest, of justice, and of correction. This lack of uniformity is owing, in great part, to the fact that the service in the central prisons has been, for a long time, in the charge of the State, while it has been only a few years since the charge of the houses of arrest, of justice, and of correction, has passed from the hands of the department into those of the State. Other reforms were pressing, and all that were needed could not be undertaken at the same time. Moreover, aside from the fact that sleeping upon the palliasse is sufficiently comfortable, if the straw is frequently renewed, it is perhaps the mode best suited to the constant changes occurring in the population of these establishments. It is readily seen how much easier it is to increase, at short notice, the number of palliasses, and how the care and preservation of the mattresses would add to the embarrassment at times when the greater part of the beds remain unoccupied.

44. The hours of labour, of recreation, and of sleep are determined, for each establishment, by a special regulation, made by the prefect. But if the duty of regulating, in detail, the division of time in the different prisons, situated in each department, belongs to the departmental authority, the central administration does not any the less take care that differences of too material a character be not permitted to exist. Above all, it insists that the hours of labour imposed upon prisoners shall not exceed those of free labourers, viz., twelve to thirteen. In the case of juveniles, it is prescribed that the hours of work are never to exceed ten. As a general thing, from twelve to

thirteen hours are given to labour, from two to two and a half hours to meals and repose, and nine hours to sleep.'

[N. B.—A question relating to prison dietaries was accidentally omitted from the list of interrogatories. The answer to such a question has been considerably introduced at this point, under the enumeration 44 *bis*, and is as follows:] The dietary of prisons for punishment is regulated on the following principle:—1. The food, gratuitously furnished to able-bodied prisoners, is limited to what is strictly necessary for the support of the vital forces. The renewal of the forces expended in labour is effected by means of supplementary food, furnished to the convicts out of the funds deposited to their credit, and principally out of the part which, according to the penal class to which they are severally assigned by their sentences, comes to them as the product of their labour. 2. The dietary ought, as far as possible, to have a certain repressive character, effected by the absolute exclusion of luxurious dishes and drinks, such as wines, spirits, &c. Nevertheless, the food forming the usual dietary having given rise to some strictures, modifications were in 1868 introduced into this part of the service. The number of rations of soup furnished each day has been increased from one to two, with a view to facilitate the consumption of the bread ration. A greater variety of provisions has been supplied, and the number of meat rations has been advanced from one to two per week. The savings realised in the making of soup bread have been such that the expenses resulting from the above-specified ameliorations have been increased only to a very moderate degree; that is to say, about one and a half centimes for each day of imprisonment. The sanitary state of the central prisons has been essentially improved under the influence of the new dietary. This *régime* has proved highly satisfactory. The distribution of bread is regulated as follows: For each day when meat is furnished (Sunday and Thursday), 775 grammes for the men; 725 grammes for the women. For the five days when meat is not furnished, 840 grammes for the men; 790 grammes for the women. In addition to this, supplementary bread is furnished to those convicts who have no resources from their disposable *peculium*. The bread for able-bodied prisoners is, in general, composed of two-thirds of bolted wheat-flour containing one-eighth of bran, and one-third of bolted rye or barley-flour

containing one-fifth of bran. On Sunday and Thursday there is a meat ration consisting, in the morning, of a bowl of soup containing five deciliters (nearly a pint) of broth, and, in the evening, 75 grammes on Sunday, and 60 grammes on Thursday, of cooked meat without bone, together with a small quantity of (at least) three deciliters of rice or potatoes. On each of the other days of the week, the ration consists of two bowls of soup, without meat, containing four deciliters, with the addition, at the evening meal, of at least three deciliters of potatoes, peas, lentils, or beans. The expenditure for supplementary provisions purchased by the prisoners amounted, in 1867, to 692,181 francs, being an average of about ten centimes a day. The supplementary provisions delivered gratuitously by the administration or the contractors, represent, in addition, another expenditure of 57,980 francs, equal to 1,094 centimes for each day of imprisonment. During the summer, there is distributed to the prisoners a hygienic drink, made after a formula laid down in the contract. The dietary of the houses of arrest, of justice, and of correction is regulated agreeably to the principles above set forth in relation to the central prisons; but some modifications are made in the details on account of the small number of the prisoners. In the colonies of juvenile delinquents, bread is given *ad libitum*. The number of meals in these establishments is three a day, and even four in time of harvest, during which rations of wine, beer, and cider are given. The principal exceptions to the dietary arrangements just described relate—1. To the prisons of the Seine, where, in respect as well of the quality of the bread as the quantity of the meat and other commodities, the rations differ not a little from those of the central and departmental prisons. 2. To the agricultural colonies of Corsica, where we have had to contend with climatic influences by toning up the dietary with supplementary additions of meat, and with rations of coffee, and even of alcoholic drinks. It belongs to the ministry of the navy and the colonies to give exact instructions on the subject of the dietary of the prisoners sentenced to the *bagnios*.

45. In the great prisons for punishment, the sick prisoners are always treated in the establishment, whatever may be the nature or gravity of their disease. Exception, however, is made of the epileptics and the insane, who are sent to special estab-

lishments. In the houses of arrest, of justice, and of correction, sick prisoners are, as far as possible, treated in the prison. There is a special apartment designed to serve as an infirmary. A physician belonging to the town is employed for the prison, and is required to make one visit daily for the purpose of giving attention to the sick. To these a better dietary is allowed. The prescriptions of the doctors, limited, it is true, in a certain degree, are always carried into effect. In prisons of less importance, only the lighter ailments are treated. As soon as a prisoner becomes seriously ill and has need of special care, he is conveyed to the hospital of the town. The expenses of his treatment there are reimbursed to the establishment by the State or the contractor.

The sanitary system of the central prisons is organised in a manner the most complete. A physician, often resident in the establishment, is attached to each. The infirmaries are arranged in the best possible manner. A special dietary is accorded to the sick, agreeably to the prescriptions of the physician and the conditions of the contract. A dispensary, provided with all necessary medicines, is organised in each central prison, and an apothecary is charged with preparing the prescriptions. In the public colonies of juvenile delinquents, the sanitary service is organized, in the main, as it is in the central prisons. There are also infirmaries in the private colonies, and a physician attached to the establishment must make at least three visits a week.

46. In the houses of arrest, of justice, and of correction, the stay is too short for the imprisonment to produce any appreciable influence on the sanitary state of the prisoners. The pathological condition of the prisoners before their incarceration is the principal cause of the diseases which are developed after their imprisonment. It may, therefore, be said, as regards these prisons, that the diseases most common are the same as those which affect the free population of the locality from which the prison population is recruited. A certain number of diseases developed in the central prisons are in like manner due to the sanitary state of the prisoners, who, at the time of their commitment, have already felt the effects of debauchery and misery. It is, nevertheless, possible to perceive, in a certain measure, the inevitable influence of the privations undergone during

incarceration. It is affections of the digestive and respiratory organs and fevers which furnish half, and often two-thirds, of the inmates of the infirmaries in the penitentiary establishments for both sexes. It is certain that imprisonment very generally produces a lack of blood, and this favours the development or the gravity of certain affections, such as phthisis and scrofula. As regards ailments which, without being of a grave character, still render necessary the intervention of the physician, it may be said that gastric complaints most frequently require treatment in the infirmary. In establishments designed for juvenile delinquents the most frequent affection, brought generally from without, is scrofula. That which produces the greatest ravages is pulmonary consumption. Fevers come next.

47. The average number of prisoners in the infirmaries compared with the total prison population was, in 1868, in the central prisons, 4.05 per cent. of men, and 5.16 per cent. of women; and in the establishments of correctional education, 1.61 per cent. of boys and 2.23 per cent. of girls.

48. In comparing in the various penitentiary establishments the average annual population with the number of deaths for the same time, the following percentages are obtained: Houses of arrest, of justice, and of correction.—Men and boys, 3.79 per cent.; women and girls, 4.91 per cent. Central prisons.—Men, 3.65 per cent.; women, 3.80 per cent. Establishments of Correctional education.—Boys, 1.67 per cent.; girls, 2.20 per cent.

49. Penal labour, properly so called, does not exist in the prisons of France. The penal system is no longer founded, as formerly, on suffering and terror. Corporal punishments have disappeared from the penal system. What is desired at present is to punish the criminal; what is sought as the end of that punishment is his reformation. Therefore, industrial labour alone is found in the prisons, obligatory in the case of those under sentence, permitted in the case of the arrested and the accused. This character of obligation may well be considered as a punishment to the convict, and a means of lessening the expenses caused by him to society; but it is thereby sought, above all, to prevent the dangers of idleness and to form the taste and the habit of labour. In the smaller houses of arrest,

of justice, and of correction, there is difficulty in organizing the labour. The prisoners are engaged only in temporary occupations. A few, when that is possible, follow the trade by which they obtained a living outside. It is only in the larger departmental prisons that it has been possible to establish workshops of any importance. In the central prisons the labour is thoroughly organized; if any are without occupation, it is the exception and not the rule. Large industrial workshops in these establishments continually present a scene of busy toil. Different industries, to the number of fifty or sixty, have been introduced into the male central prisons. The principal are shoe-making, the manufacture of hosiery, weaving, button-making, cabinet-work, lock-smithing, the manufacture of hardware, tanning, etc., etc. There are, besides, three establishments in Corsica, and one in Belle Isle, in which the prisoners are engaged in agricultural labours. Sewing, which can be applied to very different kinds of work, is almost the only industry pursued in the female central prisons. Remuneration by the day is the exception, and is applied only to the interior services of the prisons. Piece-work is the general rule. With a view to avoid the competition of prison labour with free labour, the rates of payment for the work done have to be studied and regulated by the administration, which carefully considers beforehand the different interests involved. The rates must be the same as those paid to free industry for the same kinds of labour; only there is made to the contractor a remission of 20 per cent., or one-fifth, to indemnify him for special expenses, which manufacturers outside do not have to incur. As regards minors of both sexes, subjected to the system of correctional education, they are required to be principally employed in agricultural labours.

50, 51, and 52. Penal labour does not exist in France.

53. In all the houses of arrest, of justice, and of correction, in France, except those of Paris, the supplies of food and of other current necessities are confided, by way of contract, for three, six, or nine years, to a distinct contractor for each department, and on conditions mutually agreed upon. This contractor has the sole right to make the prisoners work; his interest compels him to that, since he shares about one-half of the product of their labour. This product comes in to lighten

his expenses; but as the labour of these prisons cannot be so well organised as that in establishments for long punishments, and is, consequently, in them less productive, the cost of each day's imprisonment is greater than in the central prisons. In the central prisons of the Continent, with the exception of that of Belle Isle, which is administered by the State, the right of employing the labours of the prisoners is, in like manner, conceded to the general contractor of the services. The administration reserves the right of utilising the labour of the prisoners if the contractor leaves them unoccupied. The directors of the private colonies employ, in industrial labours, without the intervention of contractors, those juveniles whom they have not been able to employ in agriculture. The product of the labour of the young girls applied to field labour or sewing, is received by the religious communities charged with their penitentiary education.

54. The system which consists in awarding to contractors the profits of the industrial labour of the prisons appears to be the preferable one. If the State can produce more, it produces, in general at greater cost. Personal interest and the desire of making money are powerful motives with the contractor; besides which, an officer of the Government has not the same freedom of action nor so much practical knowledge of commercial affairs as a business man. Moreover, by giving to the same person the charge of the maintenance of the prisoners and a part in the product of their labour, the administration has realised a progress promotive of the interests of all. In proportion as the contractors have become familiar with the working of their contracts, they have learned that the surest benefits to be realised from them consisted rather in the impulse to and extension of industrial labour, than in the culpable profits to be obtained by the imperfect execution of the obligations which they had assumed. The labour being constant and becoming more and more productive, the profits of the contractor and those of the prisoners increase *pari passu*. The part of the product of the labour belonging to the contractor represents a profit more considerable in proportion as such product increases. The sum, then, to be paid by the State toward the maintenance of the prisoners becomes so much less when a new contract is to be made. The contractors have been made to comprehend

that the sum total of the product of the labour is augmented, as the result of the general good care extended to the prisoners. This last result, conducive alike to the well-being of the prisoners and the interest of the treasury, is remarkable and immediate when the contractor directly utilises the forces of prisoners.

55. Under reserve of the exception previously pointed out in what concerns the prisons of Paris, there is but one system of contracting the labour of the prisoners. The contractor, charged with the service of maintaining and feeding the prisoners, possesses the exclusive right to the labour of the convicts. The contractors in the departmental and central prisons themselves utilise directly the labour of the prisoners; those in the prisons of Paris do it through sub-contractors, for whom they become responsible to the administration. The procedure which consists in the direct utilising of the labour by the contractors has its advantages, which have been pointed out in the preceding paragraphs; but if it is, in certain respects, advantageous to the prisoners that the contractor be directly interested in the greater or less production of the labour, this state of things may be attended with some disadvantages. In effect, if the contractor is at the same time a manufacturer, it is probable that the greater part, if not all of the prisoners, will be placed upon a single industry, viz., that which he carries on outside. When, in these conditions, a suspension of work happens, almost the entire prison population may have to suffer from this interruption of labour. If, on the contrary, the contractor has sub-letters for the various industries, any partial suspension will affect only a small number of prisoners; and, on the other side, the prisoners belonging to a shop which has suspended labour may pass, temporarily, into another shop, where they will be occupied.

56. Of the inmates of the central prisons, the men who had no regular calling or business prior to commitment were 4·78 per cent.; the women, 11·76 per cent. In the establishments of correctional education, where the children are often placed, before having exercised any regular calling, either because of their youth or the indifference of their family, the proportion not having any regular business is about 65·61 per cent.

57. All the convicts are under obligation to labour. Each

one is put, as far as possible, to the business which he followed before his imprisonment; and, when he is placed in a workshop, account is always taken of his aptitudes and tastes. The prisoners of rural origin are, in general, sent into the agricultural establishments of Corsica, when the state of their health and the length of their sentence justify so expensive a transfer. In the establishments of juvenile delinquents it is sought, above all, from considerations of health, and in the hope of teaching them a business which may keep them away from the cities, to employ them in agricultural labours. Yet those who will be able to return to their family, and who are of city origin, are employed in industrial occupations, which they may exercise after their liberation.

58. As has just been said, the administration exerts itself, as far as possible, to cause to be taught to the prisoners, previously without regular business, some calling which will enable them, after their liberation, to gain an honest living. But, during their incarceration, they may already aid themselves by work. Not to repeat what was said in No. 13, on the share accorded to prisoners of the product of their labour, it is sufficient to recall the fact that they can, during their imprisonment, avail themselves of their disposable *peculium* to ameliorate their condition, in respect of food or clothing, and to procure for themselves certain objects, the use of which is authorised by the regulations. As regards the second part of their possession, the reserved *peculium*, which they can diminish during their imprisonment only on certain conditions, and to a limited degree, it is a kind of savings, designed to meet the first necessities of the liberated prisoner, if he does not find work immediately on his discharge from the establishment. This resource is thus a means, prepared by his own efforts, during his incarceration, to aid himself. The administration, not limiting itself to this forecast, has still further taken means to prevent this reserved fund from being expended as soon as it comes into the possession of the prisoner. It has conceived that, on emerging from a prolonged state of affliction and restraint, the prisoner, finding himself in the possession of a sum relatively considerable, might be disposed to waste it immediately in debauchery, and therefore place it at the disposal of the liberated prisoner.

for the expenses of his journey, and he can touch the rest of his possessions only after arriving at the residence which he has chosen, or which has been assigned him. As regards juvenile delinquents, whose labour is not remunerated so long as they have not been restored to freedom, except in case of being placed with farmers,¹ they receive, on their discharge, a complete outfit, and money enough for their journey.

59. The English and Anglo-American legislation is so unlike ours that it would be difficult to say, precisely, to what infractions in penal matters the words 'minor offences,' employed in the question, are to be understood. Besides, certain infractions which are made the objects of prohibitions by foreign laws, have no penal sanction in France, such, for example, as the observance of the Sabbath, public drunkenness, &c. Nevertheless, in order to enter as much as possible into the sense of the question proposed, it would seem that it must refer to criminal acts of but a moderate gravity, which, according to the provisions of the fourth book of the French penal code, may be punished either by a fine of fifteen francs or less, or by an imprisonment of fifteen days. These Acts are those which, in the exposition of 'incentives' in the code of 1810, the reporter designated 'violations of police regulations,' and which the first article of the penal code has denominated 'contraventions.' The contraventions are numerous, and it is certain that the penalties attached to them do not, from their very triviality, prevent a return to the offences against which they are directed, whenever their authors find in them any profit, the gratification of some grudge, or even a passing diversion. These transgressions, often committed by the same persons, are no doubt vexatious, and it must certainly be admitted that respect for law is less profound in France than in England, for example; but if the trivial faults, denoting in those who commit them a certain levity of character, are often repeated, in spite of the punishment with which they are visited, it cannot, on the other side, be alleged with truth that graver offences, constituting a misdemeanor or a crime, are more numerous in France than in other countries. It is presumed that, in the thought of the author of the questions, the words 'minor offences' ought to include those who have a right in that case to the moiety of their earnings.

correspond, in France, to those of 'contraventions,' which are punished with a light imprisonment. If, on the contrary, they answer to misdemeanors of no considerable gravity, and are visited, consequently, with a trifling penalty, it might be said that, in this matter as in that of contraventions, though in a much less proportion, the first strokes of the penal law do not prevent a return to the criminal acts. Thus, in the year 1870, out of 160,129 previously convicted offenders, arraigned before the correctional tribunals, 46,441, that is, 25·23 per cent., had been previously punished, to wit: 7,858 by fines, and 38,783 by an imprisonment of one year and under. The relative smallness of the first punishments had not, therefore, in this case, had the salutary effect of preventing new offences.

60. In respect to the percentage of recidivists: In order to reply more fully to the spirit of the question upon this point, it will be necessary to take into view both the prosecution and the conviction. According to the last official report on criminal justice, out of 4,189 individuals prosecuted for crimes, the recidivists are in the proportion (including men and women) of 1,780, that is to say, 42·49 per cent. Of this number of recidivists prosecuted, 272 were acquitted, being 11·91 per cent. only. On the other hand, of 160,079 individuals of both sexes prosecuted for misdemeanors, the recidivists are to the number of 60,129, or 37·56 per cent. Of this number of 60,129 recidivists prosecuted in matters of misdemeanor, 1,725 only were acquitted, being 2·26 per cent.

61. A relapse, in the legal sense of the word, is the commission, after a penal sentence, of a new criminal act. It receives little favour from the French law. The circumstance of a prior conviction, and the greater perversity shown by a repetition of the offence, seems, in effect, to demand from the legislator an increase of punishment. Doubtless, neither theft nor homicide changes its nature because committed a second time; but a crime has two elements, the substance of the act and the criminality of its author. The legislator has thought it a duty to take both these circumstances into consideration in measuring the punishment. Article 56 of the Penal Code lays down rules in regard to relapses in matters of crime. The punishment awarded is *generally* that which is placed above the first sen-

tence in the scale of penalties. Article 58 relates to relapses in matters of misdemeanor. It ordains that misdemeanants, who had been punished correctionally by an imprisonment of more than a year, be sentenced, in case of a second offence, to the maximum of the punishment permitted by the law, and declares that this punishment *may* be doubled, besides subjecting the offender to the supervision of the police during a period of five years at least, to ten years at most. The effect of a second or third conviction in diminishing the share accorded to the prisoners of the product of their labour has already been stated.

62. The law of July 22, 1867, put an end to imprisonment for debt in commercial and civil matters, and in those in which foreigners are concerned. The restraint of the body exists no longer, except in matters criminal, correctional, and of simple police. The usage has just been re-established as regards the payment of moneys due to the State. The ordinary creditor who, under the empire of the old legislation, caused his debtor to be imprisoned (in the exceptional case of which mention will be made further on), was bound to deposit in advance, for each period of thirty days, the sum of 45 francs in Paris, and of 40 francs in other cities, in the hands of the prison-keeper, to provide subsistence for the imprisoned debtor. This consignment of the means of support was not, and is not now, necessary, when the debtor is arrested and detained on account of debts due to the State for the public administrations. This expense is, in such cases, included in the number of expenses necessitated by the service of the prisons, agreeably to the terms of the decree of March 4, 1808, article 2, which was not abrogated by the subsequent laws of 1832 and 1867 touching the restraint of the body. In this case, the public minister is bound to take care that persons imprisoned for debts to the State or the administrations receive the same rations as the other prisoners who are in the charge of the State. It is a special case, that in which the unfulfilled engagements of a citizen toward others may also draw after it his incarceration, agreeably to the terms of article 460 of the Code of Commerce. The decree of bankruptcy may order the placing of the person of the bankrupt in a debtor's prison, and, if there is no such prison, in a part of the house of arrest reserved for that purpose. This is a measure which prudence almost always dictates. If the debtor is simply

unfortunate, a safe-conduct soon restores him to his family and to liberty; if the examination of his conduct justifies rigorous measures, it will be impossible for him to liberate himself by flight. The arrest and imprisonment of the bankrupt should be preceded by the consignment on the part of the commissioners of bankruptcy of the means of living, and, in case of insufficient means for this purpose, the advance of the moneys to be consigned is made from the public treasure, on the order of the commissioner, given at the request of the public ministry. (*Code de Commerce, article 461.*)

The French law, as is thus seen, places the incarcerated bankrupt in a situation altogether different from that of ordinary prisoners.

63. The absolute terms of this question render a categorical reply impossible, but there is reason to believe that in France, as in many other countries, the insufficiency of moral education, the general defect of intellectual culture, and the want of an industrial calling, not opposing to the appetites and instincts a barrier sufficiently strong, leave an open road to crimes and misdemeanors. These offences are afterwards modified and perpetrated under influences springing from the circumstances by which their authors are habitually surrounded. It is thus that, on the frontiers, the populations seeing in the code of fiscal laws only an enemy of natural right, have little hesitation, for the purpose of avoiding the payment of taxes, in sacrificing the lives of the agents charged with collecting them. In the cities the labourer, seduced by ideas of a luxury which his labour does not and ought not to give him, suffers himself to be drawn on to attempts against property, and, too often, against social order. The inhabitant of the country, who has under his eyes only the spectacle of a productive soil parcelled out to infinity by the law of inheritance, demands violently, sometimes even at the cost of his neighbour's life, the enlargement of the patch that belongs to himself. To these evils, of which France has no monopoly, does there exist a remedy which will prove absolute and complete? It may be doubted, but it is certain that, in elevating morality, in fortifying the heart, in enlarging the boundaries of knowledge, the practical ability of men would be increased, and the effects of these evils would be diminished by lessening their causes. Certain humanitarian or economic writers have, in these latter times, seen in poverty the

supreme cause of criminality. They have rested their theory upon this statistical consideration, that the years most prolific in violations of law were precisely those in which the harvests were less abundant. We might say as much of the periods which correspond to the interruption of the great industries of the country, and, in a sense more restricted, of the effects of legal supervision over the persons who are subjected to it. But these are only accidents or influences which at most are but intermediate causes, subordinating themselves in a manner little short of absolute, to the generic causes set forth above.

64. As regards the proportion in which the sexes are represented in our prisons: On September 31, 1868, a point at which were arrested the indications of the statistical documents, recently published, on the subject of the movement of the population in the central prisons and the houses of arrest, of justice, and of correction, there were counted in all the different establishments: 33,978 men, being about 81 per cent. of the total population; and 7,993 women, being about 19 per cent., subdivided in the following manner:—

In the central prisons: Men sentenced to reclusion and to an imprisonment of more than one year, 15,467, or about 82 per cent. of the population of the central prisons.¹ Women sentenced to hard labour, to reclusion, and to an imprisonment of more than one year, 3,506, or about 18 per cent. of the population of the central prisons.

Houses of arrest, of justice, and of correction: The arrested, the accused, and those sentenced, for the most part, to an imprisonment of one year and less: Men, 18,511, or about 80 per cent. of the population of the departmental prisons; Women, 4,487, or about 20 per cent. of the population of the same prisons. In recapitulating the statements relative to persons imprisoned under whatever title in the prisons, in the penitentiaries, in the public and private colonies, as well as at the bagnio and in the countries devoted to transportation, the following is the grand total for the year 1848: 69,469 men (adults and juveniles), or 87 per cent. of the total of population; 9,612 women (adults and juveniles), or 15 per cent. of the total population. It is proper to remark, in regard to the classification in respect to the sexes, that the women commit in prison,

¹ Certain men sentenced to hard labour are exceptionally retained in these establishments.

as in free life, fewer moral offences and breaches of discipline. They observe better and more readily the requirements laid down in the regulations. The proportional number of recidivists is also very sensibly less for the women.

65. The studies prosecuted in France with a view to organise a penitentiary system, as well as the modifications more recently introduced into the great prisons for punishment, have generally for their object, besides the reformation of the prisoners, the intimidation of criminals and the gradual repression of crime. It could not, indeed, be otherwise. The doctrines of penal law are based upon the necessity of protecting society and of inflicting on criminals a punishment proportioned to the gravity of their offence, at the same time having regard, as far as possible, to certain principles of humanity. The moral regeneration of the convicts is, therefore, considered in France as one of the means of action which the State can and ought to employ to diminish the dangers of relapse, but not as the principal aim of the penitentiary system.

66. It is asked whether, as a matter of fact, the prisoners leave the prison-house better or worse than they came in. It is very difficult to obtain favourable results in the case of prisoners sentenced to a short term in prisons where the associated system prevails. Whoever has been imprisoned in these circumstances becomes sensibly deteriorated: on the one side, by contact with criminality: on the other, by the very influence of a punishment of which he no longer fears in the future the physical and moral consequences. In regard to the greater part of the prisoners of this class, the danger to society and to the individual is greater after than before his imprisonment. It would be desirable to modify, on this point, the sanction given to the awards of justice. It should be remarked, in support of this view, that the number of relapses is in inverse ratio to the duration of punishments. After the lapse of a certain period the prolonged action of a sojourn in the prisons makes itself advantageously felt.

67. There are not yet, in France, institutions specially created to aid liberated prisoners in finding work, and, in this manner, to save them from falling back into crime. We can only cite, as exceptions to this, certain establishments whose creation is due to the private initiative of members of the clergy

and of the Sisters of the Order of Mary-Joseph. The Abbé Cortal founded in 1842, near Montpellier, under the title of the Solitude of Nazareth, is a refuge designed for the liberated females of the south. The sisters of Mary-Joseph, in imitation of this example, have founded seven other refuges, near the central prisons, for women. To the present time there is only one establishment of this kind for men—the Asylum of Saint Leonard, at Couzon (Rhône).¹ The administration is earnestly engaged in seeking the means to increase the number of institutions similar to those of which we have just spoken. A commission, of which we shall speak further on, relating to the patronage of liberated prisoners, was organised by a decree of October 6, 1869. The labours of this commission were interrupted by the political events of last year. The inquiry conducted under its direction has, however, gathered very important information, which will soon be published. This commission is about to be re-organised. A reform of considerable importance has already been effected in one of the points indicated by the commission, as creating an obstacle to the return of liberated prisoners to normal conditions of existence. A circular of the minister of justice has just re-established, in the case of persons subjected to legal supervision, the system in vogue prior to the year 1851. Henceforth liberated prisoners of this class will be known only to the administration, and, with the exception of certain great cities in which they are forbidden to reside, they are at liberty to choose the place of their abode. They are now able to escape the difficulties resulting especially from prejudices, salutary perhaps as far as public morality is concerned, but very prejudicial to them—prejudices which oppose their admission into workshops, or their employment on farms, and, consequently, their return to well-doing by the path of labour.

68. Besides the houses of refuge mentioned above, and the two patronage societies for liberated Protestants of the two sexes, there are not, in France, special patronage societies for liberated adults. The liberated juveniles of the department of the Seine are placed under the patronage of a society which facilitates their admission to provisional liberty, and aids them

¹ The results of the refuges devoted to women are good. Those obtained at the asylum at Saint Leonard are relatively less satisfactory.

his expenses; but as the labour of these prisons cannot be so well organised as that in establishments for long punishments, and is, consequently, in them less productive, the cost of each day's imprisonment is greater than in the central prisons. In the central prisons of the Continent, with the exception of that of Belle Isle, which is administered by the State, the right of employing the labours of the prisoners is, in like manner, conceded to the general contractor of the services. The administration reserves the right of utilising the labour of the prisoners if the contractor leaves them unoccupied. The directors of the private colonies employ, in industrial labours, without the intervention of contractors, those juveniles whom they have not been able to employ in agriculture. The product of the labour of the young girls applied to field labour or sewing, is received by the religious communities charged with their penitentiary education.

54. The system which consists in awarding to contractors the profits of the industrial labour of the prisons appears to be the preferable one. If the State can produce more, it produces, in general at greater cost. Personal interest and the desire of making money are powerful motives with the contractor; besides which, an officer of the Government has not the same freedom of action nor so much practical knowledge of commercial affairs as a business man. Moreover, by giving to the same person the charge of the maintenance of the prisoners and a part in the product of their labour, the administration has realised a progress promotive of the interests of all. In proportion as the contractors have become familiar with the working of their contracts, they have learned that the surest benefits to be realised from them consisted rather in the impulse to and extension of industrial labour, than in the culpable profits to be obtained by the imperfect execution of the obligations which they had assumed. The labour being constant and becoming more and more productive, the profits of the contractor and those of the prisoners increase *pari passu*. The part of the product of the labour belonging to the contractor represents a profit more considerable in proportion as such product increases. The sum, then, to be paid by the State toward the maintenance of the prisoners becomes so much less when a new contract is to be made. The contractors have been made to comprehend

that the sum total of the product of the labour is augmented, as the result of the general good care extended to the prisoners. This last result, conducive alike to the well-being of the prisoners and the interest of the treasury, is remarkable and immediate when the contractor directly utilises the forces of prisoners.

55. Under reserve of the exception previously pointed out in what concerns the prisons of Paris, there is but one system of contracting the labour of the prisoners. The contractor, charged with the service of maintaining and feeding the prisoners, possesses the exclusive right to the labour of the convicts. The contractors in the departmental and central prisons themselves utilise directly the labour of the prisoners; those in the prisons of Paris do it through sub-contractors, for whom they become responsible to the administration. The procedure which consists in the direct utilising of the labour by the contractors has its advantages, which have been pointed out in the preceding paragraphs; but if it is, in certain respects, advantageous to the prisoners that the contractor be directly interested in the greater or less production of the labour, this state of things may be attended with some disadvantages. In effect, if the contractor is at the same time a manufacturer, it is probable that the greater part, if not all of the prisoners, will be placed upon a single industry, viz., that which he carries on outside. When, in these conditions, a suspension of work happens, almost the entire prison population may have to suffer from this interruption of labour. If, on the contrary, the contractor has sub-letters for the various industries, any partial suspension will affect only a small number of prisoners; and, on the other side, the prisoners belonging to a shop which has suspended labour may pass, temporarily, into another shop, where they will be occupied.

56. Of the inmates of the central prisons, the men who had no regular calling or business prior to commitment were 4·78 per cent.; the women, 11·76 per cent. In the establishments of correctional education, where the children are often placed, before having exercised any regular calling, either because of their youth or the indifference of their family, the proportion not having any regular business is about 65·61 per cent.

57. All the convicts are under obligation to labour. Each

one is put, as far as possible, to the business which he followed before his imprisonment; and, when he is placed in a workshop, account is always taken of his aptitudes and tastes. The prisoners of rural origin are, in general, sent into the agricultural establishments of Corsica, when the state of their health and the length of their sentence justify so expensive a transfer. In the establishments of juvenile delinquents it is sought, above all, from considerations of health, and in the hope of teaching them a business which may keep them away from the cities, to employ them in agricultural labours. Yet those who will be able to return to their family, and who are of city origin, are employed in industrial occupations, which they may exercise after their liberation.

58. As has just been said, the administration exerts itself, as far as possible, to cause to be taught to the prisoners, previously without regular business, some calling which will enable them, after their liberation, to gain an honest living. But, during their incarceration, they may already aid themselves by work. Not to repeat what was said in No. 13, on the share accorded to prisoners of the product of their labour, it is sufficient to recall the fact that they can, during their imprisonment, avail themselves of their disposable *peculium* to ameliorate their condition, in respect of food or clothing, and to procure for themselves certain objects, the use of which is authorised by the regulations. As regards the second part of their possession, the reserved *peculium*, which they can diminish during their imprisonment only on certain conditions, and to a limited degree, it is a kind of savings, designed to meet the first necessities of the liberated prisoner, if he does not find work immediately on his discharge from the establishment. This resource is thus a means, prepared by his own efforts, during his incarceration, to aid himself. The administration, not limiting itself to this forecast, has still further taken means to prevent this reserved fund from being expended as soon as it comes into the possession of the prisoner. It has conceived that, on emerging from a prolonged state of affliction and restraint, the prisoner, finding himself in the possession of a sum relatively considerable, would be disposed to waste it immediately in debauchery. It therefore places at the disposal of the liberated prisoner only such sum as may be necessary

for the expenses of his journey, and he can touch the rest of his possessions only after arriving at the residence which he has chosen, or which has been assigned him. As regards juvenile delinquents, whose labour is not remunerated so long as they have not been restored to freedom, except in case of being placed with farmers,¹ they receive, on their discharge, a complete outfit, and money enough for their journey.

59. The English and Anglo-American legislation is so unlike ours that it would be difficult to say, precisely, to what infractions in penal matters the words 'minor offences,' employed in the question, are to be understood. Besides, certain infractions which are made the objects of prohibitions by foreign laws, have no penal sanction in France, such, for example, as the observance of the Sabbath, public drunkenness, &c. Nevertheless, in order to enter as much as possible into the sense of the question proposed, it would seem that it must refer to criminal acts of but a moderate gravity, which, according to the provisions of the fourth book of the French penal code, may be punished either by a fine of fifteen francs or less, or by an imprisonment of fifteen days. These Acts are those which, in the exposition of 'incentives' in the code of 1810, the reporter designated 'violations of police regulations,' and which the first article of the penal code has denominated 'contraventions.' The contraventions are numerous, and it is certain that the penalties attached to them do not, from their very triviality, prevent a return to the offences against which they are directed, whenever their authors find in them any profit, the gratification of some grudge, or even a passing diversion. These transgressions, often committed by the same persons, are no doubt vexatious, and it must certainly be admitted that respect for law is less profound in France than in England, for example; but if the trivial faults, denoting in those who commit them a certain levity of character, are often repeated, in spite of the punishment with which they are visited, it cannot, on the other side, be alleged with truth that graver offences, constituting a misdemeanor or a crime, are more numerous in France than in other countries. It is presumed that, in the thought of the author of the questions, the words 'minor offences' ought to

¹ They have a right in that case to the moiety of their earnings.

correspond, in France, to those of 'contraventions,' which are punished with a light imprisonment. If, on the contrary, they answer to misdemeanors of no considerable gravity, and are visited, consequently, with a trifling penalty, it might be said that, in this matter as in that of contraventions, though in a much less proportion, the first strokes of the penal law do not prevent a return to the criminal acts. Thus, in the year 1870, out of 160,129 previously convicted offenders, arraigned before the correctional tribunals, 46,441, that is, 25·23 per cent., had been previously punished, to wit: 7,858 by fines, and 38,783 by an imprisonment of one year and under. The relative smallness of the first punishments had not, therefore, in this case, had the salutary effect of preventing new offences.

60. In respect to the percentage of recidivists: In order to reply more fully to the spirit of the question upon this point, it will be necessary to take into view both the prosecution and the conviction. According to the last official report on criminal justice, out of 4,189 individuals prosecuted for crimes, the recidivists are in the proportion (including men and women) of 1,780, that is to say, 42·49 per cent. Of this number of recidivists prosecuted, 272 were acquitted, being 11·91 per cent. only. On the other hand, of 160,079 individuals of both sexes prosecuted for misdemeanors, the recidivists are to the number of 60,129, or 37·56 per cent. Of this number of 60,129 recidivists prosecuted in matters of misdemeanor, 1,725 only were acquitted, being 2·26 per cent.

61. A relapse, in the legal sense of the word, is the commission, after a penal sentence, of a new criminal act. It receives little favour from the French law. The circumstance of a prior conviction, and the greater perversity shown by a repetition of the offence, seems, in effect, to demand from the legislator an increase of punishment. Doubtless, neither theft nor homicide changes its nature because committed a second time; but a crime has two elements, the substance of the act and the criminality of its author. The legislator has thought it a duty to take both these circumstances into consideration in measuring the punishment. Article 56 of the Penal Code lays down rules in regard to relapses in matters of crime. The punishment awarded is *generally* that which is placed above the first sen-

tence in the scale of penalties. Article 58 relates to relapses in matters of misdemeanor. It ordains that misdemeanants, who had been punished correctionally by an imprisonment of more than a year, be sentenced, in case of a second offence, to the maximum of the punishment permitted by the law, and declares that this punishment *may* be doubled, besides subjecting the offender to the supervision of the police during a period of five years at least, to ten years at most. The effect of a second or third conviction in diminishing the share accorded to the prisoners of the product of their labour has already been stated.

62. The law of July 22, 1867, put an end to imprisonment for debt in commercial and civil matters, and in those in which foreigners are concerned. The restraint of the body exists no longer, except in matters criminal, correctional, and of simple police. The usage has just been re-established as regards the payment of moneys due to the State. The ordinary creditor who, under the empire of the old legislation, caused his debtor to be imprisoned (in the exceptional case of which mention will be made further on), was bound to deposit in advance, for each period of thirty days, the sum of 45 francs in Paris, and of 40 francs in other cities, in the hands of the prison-keeper, to provide subsistence for the imprisoned debtor. This consignment of the means of support was not, and is not now, necessary, when the debtor is arrested and detained on account of debts due to the State for the public administrations. This expense is, in such cases, included in the number of expenses necessitated by the service of the prisons, agreeably to the terms of the decree of March 4, 1808, article 2, which was not abrogated by the subsequent laws of 1832 and 1867 touching the restraint of the body. In this case, the public minister is bound to take care that persons imprisoned for debts to the State or the administrations receive the same rations as the other prisoners who are in the charge of the State. It is a special case, that in which the unfulfilled engagements of a citizen toward others may also draw after it his incarceration, agreeably to the terms of article 460 of the Code of Commerce. The decree of bankruptcy may order the placing of the person of the bankrupt in a debtor's prison, and, if there is no such prison, in a part of the house of arrest reserved for that purpose. This is a measure which prudence almost always dictates. If the debtor is simply

unfortunate, a safe-conduct soon restores him to his family and to liberty; if the examination of his conduct justifies rigorous measures, it will be impossible for him to liberate himself by flight. The arrest and imprisonment of the bankrupt should be preceded by the consignment on the part of the commissioners of bankruptcy of the means of living, and, in case of insufficient means for this purpose, the advance of the moneys to be consigned is made from the public treasure, on the order of the commissioner, given at the request of the public ministry. (*Code de Commerce, article 461.*)

The French law, as is thus seen, places the incarcerated bankrupt in a situation altogether different from that of ordinary prisoners.

63. The absolute terms of this question render a categorical reply impossible, but there is reason to believe that in France, as in many other countries, the insufficiency of moral education, the general defect of intellectual culture, and the want of an industrial calling, not opposing to the appetites and instincts a barrier sufficiently strong, leave an open road to crimes and misdemeanors. These offences are afterwards modified and perpetrated under influences springing from the circumstances by which their authors are habitually surrounded. It is thus that, on the frontiers, the populations seeing in the code of fiscal laws only an enemy of natural right, have little hesitation, for the purpose of avoiding the payment of taxes, in sacrificing the lives of the agents charged with collecting them. In the cities the labourer, seduced by ideas of a luxury which his labour does not and ought not to give him, suffers himself to be drawn on to attempts against property, and, too often, against social order. The inhabitant of the country, who has under his eyes only the spectacle of a productive soil parcelled out to infinity by the law of inheritance, demands violently, sometimes even at the cost of his neighbour's life, the enlargement of the patch that belongs to himself. To these evils, of which France has no monopoly, does there exist a remedy which will prove absolute and complete? It may be doubted, but it is certain that, in elevating morality, in fortifying the heart, in enlarging the boundaries of knowledge, the practical ability of men would be increased, and the effects of these evils would be diminished by lessening their causes. Certain humanitarian or economic writers have, in these latter times, seen in poverty the

supreme cause of criminality. They have rested their theory upon this statistical consideration, that the years most prolific in violations of law were precisely those in which the harvests were less abundant. We might say as much of the periods which correspond to the interruption of the great industries of the country, and, in a sense more restricted, of the effects of legal supervision over the persons who are subjected to it. But these are only accidents or influences which at most are but intermediate causes, subordinating themselves in a manner little short of absolute, to the generic causes set forth above.

64. As regards the proportion in which the sexes are represented in our prisons: On September 31, 1868, a point at which were arrested the indications of the statistical documents, recently published, on the subject of the movement of the population in the central prisons and the houses of arrest, of justice, and of correction, there were counted in all the different establishments: 33,978 men, being about 81 per cent. of the total population; and 7,993 women, being about 19 per cent., subdivided in the following manner:—

In the central prisons: Men sentenced to reclusion and to an imprisonment of more than one year, 15,467, or about 82 per cent. of the population of the central prisons.¹ Women sentenced to hard labour, to reclusion, and to an imprisonment of more than one year, 3,506, or about 18 per cent. of the population of the central prisons.

Houses of arrest, of justice, and of correction: The arrested, the accused, and those sentenced, for the most part, to an imprisonment of one year and less: Men, 18,511, or about 80 per cent. of the population of the departmental prisons; Women, 4,487, or about 20 per cent. of the population of the same prisons. In recapitulating the statements relative to persons imprisoned under whatever title in the prisons, in the penitentiaries, in the public and private colonies, as well as at the bagnio and in the countries devoted to transportation, the following is the grand total for the year 1848: 69,469 men (adults and juveniles), or 87 per cent. of the total of population; 9,612 women (adults and juveniles), or 15 per cent. of the total population. It is proper to remark, in regard to the classification in respect to the sexes, that the women commit in prison,

¹ Certain men sentenced to hard labour are exceptionally retained in these establishments.

as in free life, fewer moral offences and breaches of discipline. They observe better and more readily the requirements laid down in the regulations. The proportional number of recidivists is also very sensibly less for the women.

65. The studies prosecuted in France with a view to organise a penitentiary system, as well as the modifications more recently introduced into the great prisons for punishment, have generally for their object, besides the reformation of the prisoners, the intimidation of criminals and the gradual repression of crime. It could not, indeed, be otherwise. The doctrines of penal law are based upon the necessity of protecting society and of inflicting on criminals a punishment proportioned to the gravity of their offence, at the same time having regard, as far as possible, to certain principles of humanity. The moral regeneration of the convicts is, therefore, considered in France as one of the means of action which the State can and ought to employ to diminish the dangers of relapse, but not as the principal aim of the penitentiary system.

66. It is asked whether, as a matter of fact, the prisoners leave the prison-house better or worse than they came in. It is very difficult to obtain favourable results in the case of prisoners sentenced to a short term in prisons where the associated system prevails. Whoever has been imprisoned in these circumstances becomes sensibly deteriorated: on the one side, by contact with criminality: on the other, by the very influence of a punishment of which he no longer fears in the future the physical and moral consequences. In regard to the greater part of the prisoners of this class, the danger to society and to the individual is greater after than before his imprisonment. It would be desirable to modify, on this point, the sanction given to the awards of justice. It should be remarked, in support of this view, that the number of relapses is in inverse ratio to the duration of punishments. After the lapse of a certain period the prolonged action of a sojourn in the prisons makes itself advantageously felt.

67. There are not yet, in France, institutions specially created to aid liberated prisoners in finding work, and, in this manner, to save them from falling back into crime. We can only cite, as exceptions to this, certain establishments whose creation is due to the private initiative of members of the clergy

and of the Sisters of the Order of Mary-Joseph. The Abbé Cortal founded in 1842, near Montpellier, under the title of the Solitude of Nazareth, is a refuge designed for the liberated females of the south. The sisters of Mary-Joseph, in imitation of this example, have founded seven other refuges, near the central prisons, for women. To the present time there is only one establishment of this kind for men—the Asylum of Saint Leonard, at Couzon (Rhône).¹ The administration is earnestly engaged in seeking the means to increase the number of institutions similar to those of which we have just spoken. A commission, of which we shall speak further on, relating to the patronage of liberated prisoners, was organised by a decree of October 6, 1869. The labours of this commission were interrupted by the political events of last year. The inquiry conducted under its direction has, however, gathered very important information, which will soon be published. This commission is about to be re-organised. A reform of considerable importance has already been effected in one of the points indicated by the commission, as creating an obstacle to the return of liberated prisoners to normal conditions of existence. A circular of the minister of justice has just re-established, in the case of persons subjected to legal supervision, the system in vogue prior to the year 1851. Henceforth liberated prisoners of this class will be known only to the administration, and, with the exception of certain great cities in which they are forbidden to reside, they are at liberty to choose the place of their abode. They are now able to escape the difficulties resulting especially from prejudices, salutary perhaps as far as public morality is concerned, but very prejudicial to them—prejudices which oppose their admission into workshops, or their employment on farms, and, consequently, their return to well-doing by the path of labour.

68. Besides the houses of refuge mentioned above, and the two patronage societies for liberated Protestants of the two sexes, there are not, in France, special patronage societies for liberated adults. The liberated juveniles of the department of the Seine are placed under the patronage of a society which facilitates their admission to provisional liberty, and aids them

¹ The results of the refuges devoted to women are good. Those obtained at the asylum at Saint Leonard are relatively less satisfactory.

in acquiring a trade. A commission instituted, in virtue of a decree of October 6, 1869, was charged with studying all the questions relating to patronage, and with determining the measures adopted to facilitate the return of discharged prisoners to free life. It seemed necessary to inquire especially:— (1) Whether there are differences to be made between classes of prisoners (correctionals, reclusionaries, and those sentenced to hard labour). (2) Whether the commissions of supervisions of the prisons ought to be placed over the work of patronage, and, if so, whether it would be proper to leave to them the free use of the *peculium* accumulated as a reserve for the prisoner during his imprisonment. (3) Whether the action of patronage can be fortified by the adoption and vigorous use of arrangements analogous to the system of preparatory liberations. It is placed out of all doubt that the organisations of patronage will present in certain cases great difficulties; but they cannot be insurmountable. The various objections raised, hitherto, to this eminently social creation ought not to arrest the efforts of the administration. The inquiries made by the commission on this subject have shown that, with the co-operation pledged from various quarters toward the accomplishment of this work, a patronage, widely extended, ought to offer more advantages than disadvantages.

69. The punishment of imprisonment in association, in different degrees, is applied in France under different conditions, on which account it has been found necessary to give attention to the nature and condition of the buildings which have been successively placed at the disposal of the administration of prisons. The system of cellular imprisonment has not been practised to any very great extent, except in certain establishments devoted to the treatment of prisoners awaiting trial. France was on the point of adopting a penitentiary system homogeneous in all its parts, and based, in principle, on the processes employed in America to secure personal separation, but, at the same time, softening the rigours inherent in this mode of imprisonment, and under the reserve of a proportional reduction of the duration of the punishments. The legislation which had been directed to this end, and was upon the point of realising it, was interrupted by the revolution of 1848. Since that time the cellular system has been made the occasion

of very severe strictures, at least as regards punishments of a certain duration; and it is consequently probable that there would have been, on this point, important modifications in the details, whenever the system should have been definitively adopted. To sum up, France has not yet adopted a well-defined penitentiary system. The administration, shut up within its own resources, has been able to devote itself to reforms, certainly of great importance, relating to the economic *régime* and the organisation of labour, order, and discipline. In these respects, the central prisons, and the greater part of the houses of arrest, of justice, and of correction, may be placed in the first rank. It seems difficult to secure greater regularity in the mode of administering these various services; but it is certain that the results obtained are not such as they ought to be, if the question is received in relation to moral reformation. It is impossible, then, to declare ourselves satisfied with institutions which, upon the whole, fail to secure the gradual repression of crimes and misdemeanors, and whose results are unsatisfactory in regard to the number of relapses, which is, to say the least, always far from inconsiderable. To state with precision the defects of the penitentiary system in France would require explanations far beyond the plan of the present report. For the rest, these defects are similar to those which exist in all countries where imprisonment has been substituted for the various penalties previously in vogue. A complete examination of the question would, moreover, necessitate a scheme for the revision of the penal laws.

Under the reserve implied in these observations, we will confine ourselves to pointing out the reforms and the ameliorations to be introduced in France, into the penitentiary system, that is to say:—(1) The abolition of the punishment of imprisonment for offences of little gravity, in place of which should be substituted, as far as possible, pecuniary penalties, the temporary privation of certain civil rights, etc. (2) The definitive choice of a system of imprisonment for prisoners awaiting examination or trial, and for those sentenced to punishments of a duration of at least two years. The system of personal isolation, mitigated by labour, reading, visits, etc., and above all a proportionate diminution, more or less considerable, of the duration of the punishments, ought of them-

selves, it would seem, to be efficacious and salutary for the prisoners belonging to these classes. (3) The adoption of a penitentiary system, applicable under different degrees of severity, to— (a) Correctional convicts sentenced to a punishment of two years and over; (b) Reclusionaries; (c) Persons sentenced to hard labour. A large number of publicists and specialists recommend, for punishments of a long duration, and above all in the case of recidivists, the adoption, on a large scale, of the system of transportation, and in all cases, the progressive substitution of agricultural for industrial labours. It is important to remark, nevertheless, that hitherto transportation has always occasioned excessive expenses, and that most frequently the punishment of hard labour, thus applied, has a less intimidating effect upon criminals than an imprisonment of long duration in the central prisons. The agricultural colonies, established in Corsica, present similar inconveniencies. (4) The organization of patronage societies, to which liberated prisoners may have recourse on their discharge from the penitentiaries.

GERMANY.

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|----------------|-------------|
| 1. BADEN. | 3. PRUSSIA. |
| 2. BAVARIA. | 4. SAXONY. |
| 5. WÜRTENBERG. | |
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THE GRAND DUCHY OF BADEN.

1. All the prisons of the Grand Duchy of Baden are under the control of the Minister of Justice and Foreign Affairs, who exercises over them complete administrative power. There is, however, a Council of Inspection for all the largest penitentiary establishments. This council is composed of an officer of the magistracy, named by the minister, who discharges as inspector the duties of the President of the Council, of the superior officers of the prison, and of three private individuals named by the minister.

The Council of Inspection has the following powers :—(a) It decides on the complaints of prisoners. (b) On the admissi-

bility of administrative proceedings against the inferior prison officers when such proceedings are beyond the cognizance of the director. (c) It confirms the contracts entered into by the administration for the supply of the prison. (d) It gives the necessary order if it is desirable in any case to substitute collective for solitary imprisonment.

2. The prisons are: (a) Houses of correction. (b) Central prisons. (c) District prisons. (d) Fortresses.

Those sentenced to hard labour are placed in houses of correction; those sentenced to more than six weeks' imprisonment are placed in central prisons; those sentenced to less than six weeks' imprisonment and to detention, are placed in district prisons (conformably to sections 14 to 18 of the Penal Code of the German Empire). The district prisons are also used for the temporary imprisonment of accused persons during magisterial proceedings. There is one prison of this kind for each of the 53 district courts of justice. Number of prisoners, January 1, 1871: In the houses of correction—men, 247, women, 56; in the central prisons—men, 374, women, 67; in district prisons, sentenced, 198, 'accused' imprisoned temporarily, 227. The remarks following do not in general refer to prisoners in fortresses whose number, moreover, is comparatively small, nor to those in district prisons. The punishment of these two classes of prisoners is simple privation of liberty; they are free as to the choice of their food and occupation.

3. The punishments of hard labour and of imprisonment are undergone on the cellular system, as is also that of arrest. Yet solitary imprisonment is not extended, contrary to the wish of the prisoner, beyond three years. For prisoners from twelve to eighteen years of age, the maximum is six months. Prisoners unfit for cellular imprisonment, and those who object to it beyond the period of three years, are imprisoned on the collective system. Regard is paid to the personal qualifications of the prisoners when they are distributed in the work-rooms. They are associated only during work.

4. The results of the cellular system have been favourable, but the associated system has likewise been attended with good results when it has been carried out on right principles. The cellular system is preferable when the prisoner is fit for it, since he is preserved from the corrupting influence of the other

prisoners. He forms no new evil companionships, and is more open to reform by the prison discipline. Thus the cellular system permits such prisoner to be treated in accordance with his particular character. It, therefore, in this and many other ways, permits a more efficacious operation of the benevolent and humane principles of the corrective system.

5. The prisons are supported: (a) By the payments of the prisoners who have property. (These payments, however, amount to very little). (b) By the product of the prisoners' labour, or rather of the trades carried on in the prison. (c) By subsidies from the State. That part of the expense of supporting the prisoners which is gained by their labour differs much with the kind of prison, the duration of punishment, and the number of prisoners in each prison. However, the sum gained by the trades carried on in the cellular prison of Bruchsal, has sometimes sufficed to pay the whole expense of supporting the prison, with the exception of the salaries of the officers. The average value of the work executed in this prison, drawn from the results of twenty years, has been 50·79 kreuzers per head per day, or 309 florins 48 kreuzers per head per annum. It is, moreover, the only prison in the country in which men are placed who have to undergo long sentences. The grant to it from the State has varied from 75 to 172 florins per head per annum. The average grant for twenty years has been 132 florins.

6. The superior officers are appointed by the Grand Duke, the inferior officers by the Minister of Justice. Their appointment is for life.

7. Integrity, devotion, energy, calmness, firmness, kindness, physical and moral courage, a calm and brave spirit. We believe these qualities are possessed by the superior, and by most of the inferior officers.

8. Special schools for the education of prison officers have not been established; their establishment cannot be recommended, because the work of prison officers can only be learned by practice.

9. The superior officers are allowed a pension of four-fifths, the inferior officers of one-half, of their salaries.

10. See Sections 14 to 18, 22 to 26, 31 to 36, of the Penal Code of the German Empire.

11. No.

12. See paragraphs 23 and 24 of the Penal Code of the German Empire.

13. For the performance of the daily task, which is equal to the average work of a healthy workman, the sum of 3 kreuzers is placed to the credit of each prisoner. For additional work, this sum can be increased to 6 kreuzers per day. Towards this sum diligence and the result of efficient work alone count, good conduct is not considered.

14. Prisoners can obtain encouragements and rewards for special diligence and good conduct, viz.: (a) Gratuities in money up to five florins per year, taken from the interest of their share of the produce of their labour. (b) Special enjoyments granted by the director and paid for out of the sum produced by work (bread, milk, fruit, salad, potatoes, &c.) (c) Better nourishment, and such occupations as they like. School prizes are also distributed.

15. Forbidden communications with other prisoners.

16. The punishments are: Reprimands, privation of the advantages allowed by the regulations, solitary confinement, privation of bed, diminution of nourishment (bread, soup, water), solitary confinement in darkness, and coercive chair (the prisoner is bound to a solid chair).

17. Yes.

18. Yes.

19. The chaplains have the following duties: They hold religious service, give religious lessons, enter into religious conversation with the prisoners, inspect the prison schools, keep an eye on the prisoners' occupations during their relaxation, and correspond with the ministers of their abode; this correspondence gives moral protection to the prisoners after their liberation. The chaplains are bound to give particular attention to sick prisoners, to those depressed in spirit, or showing any tendency to insanity. They visit the sick weekly, and the other prisoners at least every fortnight. It is their duty at these visits to awaken, as far as possible, moral and religious feeling, and to further their reformation.

20. The highest importance always.

21. No; besides the prison officers, only the individual members of the council of inspection have access to the prisoners.

22. No.

23. Once a month ; with the permission of the director more frequently. The letters are read by the director and the chaplain ; they are only sent to their address when their contents are unobjectionable. Correspondence with the inspectors, the minister of justice, and the superior courts, is unrestricted.

24. The effect of the correspondence of the prisoners with their friends depends on circumstances. Its absolute suppression could not be justified, and would have bad results ; while, on the contrary, such correspondence alone being allowed as in no way interferes with the punishment, has generally a beneficial influence on the prisoners.

25. Once a month ; with the permission of the director more frequently.

26. These visits take place in presence of a prison officer, and under his observation. Visitor and prisoner remain separated, and the subject of their mutual conversation is controlled.

27. See the answer to question 24.

28. Ninety-six per cent.

29. Yes.

30. Men are obliged to attend school till 35 years old ; women till 30. Prisoners of a greater age are allowed to go to school, when they wish to do so, if there is room for them, and if they are likely to benefit by the instruction.

31. The subjects of instruction are the same as those in good primary schools. With few exceptions, they make satisfactory progress, if their mental power is not deficient or the duration of their imprisonment, and consequently of their instruction, is not too short.

32. Yes. Every prison possesses a good library for the prisoners. The books in it are religious, edifying, instructive, and amusing ; for example, books on natural science, technical and historical works.

33. Prisoners, particularly those under the cellular system, are very fond of reading when their ability and education enable them to do it. Prisoners with religious feelings unsatisfied, desire religious and edifying books. All books written expressly for prisoners are in little request. Educated prisoners prefer descriptions of voyages, biographies, and technical books ; those less educated prefer tales. Good and suitable reading

always exercises a beneficial influence ; it instructs and relaxes the prisoners' minds, and thus aids their reformation ; it favours discipline by removing the feeling of *ennui* and the tendency to disorder.

34. The prisons are very healthy ; they are built on a dry soil, but there is no special system of sewerage.

35. The quantity of water used is very variable, according as the washing is done in or out of the prison, and as much or little of it is wanted in the industrial labour. The water is, however, good in quality and sufficient in quantity. In the cellular prison of Bruchsal, which is supplied with fresh spring water, but in which the washing is not done, about a hecto-litre (22 gallons) is required for each person per day.

36. Yes.

37. The cells and the corridors are cleaned at least once daily. Everywhere scrupulous attention is paid to cleanliness ; trades which are not compatible with it are not practised.

38. The prisoners have always water in their cells. They are compelled to wash all vessels immediately after using them. The floor of the cells is washed at least once every week. The prisoners are forced to wash their faces and hands daily ; they have twelve foot-baths and four complete baths a year ; they have clean linen every week ; their bed clothes and their own garments are changed and cleaned when necessary. The men are shaved once a week. Their hair is cut as often as needful. At the time of admission into the prison, the prisoner is washed and has his hair cut.

39. They have sinks or sewers, as in the old system. It is proposed to give them a new and better construction. In the cells the portable system is continued.

40. Gas.

41. The prisons are heated by hot air, vapour, or by ordinary iron or earthenware stoves.

42. Sedge, straw, or varec.

43. Each prisoner has a wooden or iron bed, a mattress, and a bolster of varec, one or two counterpanes, two bed sheets. The sick have in addition, cushions, &c.

44. Work lasts in summer (day workmen)—In the morning, from 5.30 A.M. to 6.30 A.M., and from 7 A.M. to 12 o'clock. In the afternoon, from 1 o'clock till 7.30 P.M. In winter it lasts.

from 6 A.M. to 7 A.M., and from 7.45 A.M. till noon. In the afternoon from 1 o'clock till 7.30 P.M. But interruptions occur for attendance at church, at school, and for walking exercise in the court. These interruptions reduce the working day to 10 hours. The time for sleep is from 8 to 5 in summer, and to 6 in winter.

The remaining time is for meals and for recreation.

45. Sick prisoners are attended to in special cells or in sick-rooms, when the sickness is not of short duration, and renders them unfit for work. There is also an infirmary for those who suffer either physically or mentally.

46. Gastric diseases, scrofula, and their consequences.

47. About five per cent. of the average number of prisoners.

48. About one or two per cent. of the whole number of prisoners.

49. There is no labour merely penal.

50, 51, 52. Nil.

53. The industrial work is directed by the administration itself.

54. The industrial system is preferred, because it enables us to observe the state of each individual prisoner, and to exclude all extraneous elements prejudicial to discipline. This system demands an intelligent director. There must be variety in the trades exercised, that too many prisoners may not be occupied in one trade, and so be injurious to private industry. An effort should be made to get an extensive market, and the highest possible prices.

55. Nil.

56. Forty per cent. are ignorant of a trade on entry.

57. Yes; if they have ability, and are in prison long enough.

58. Yes. This is deemed the principal work. This result is arrived at by improving the prisoner's morals, by scholastic and industrial instruction, and by the whole prison treatment.

59. No.

60. 20 per cent. of those liberated.

61. No. The penal law threatens recidivists with long imprisonment.

62. No.

63. Thirst for pleasure.—1 St. John ii. 16.

64. About 85 per cent. of men; about 15 per cent. of women.

65. Punishment is the primary aim, but it is so inflicted as to contribute to the reformation of the prisoners. Also see paragraphs 23 to 26 of the Penal Code of the German Empire.

66. Those who leave the prison are generally better than when they entered it; this is especially the case with those who have undergone cellular imprisonment.

67. The directors of the penitentiary establishments are compelled to enter, for this purpose, into correspondence with the authorities of the political administration some time before the liberation of each prisoner; it is the duty of these authorities to unite with the prisoners' aid societies and with the local authorities in providing for the liberated prisoners. This measure is only of recent date, and few of its results have been observed.

68. Prisoners' aid societies exist in twenty-one out of fifty-nine districts. Their aid is seldom solicited. The results are, however, satisfactory.

69 (a) The quantity and quality of the food are very good. Yet in certain cases an addition can well be made to the regular quantity.

(b) We are satisfied with the penitentiary system of our country, particularly as the cellular system is as a rule adopted. Strictly to carry out and complete this system, an additional establishment is necessary. The construction of it now engages our attention.

BAVARIA.

1. All the prisons of the country are under the jurisdiction of the ministry of justice. The direction and the inspection of those prisons where imprisonment of more than three months is undergone, are carried on exclusively by this ministry, and without any intermediate authorities; the inspection of the other prisons is made in the first instance by the court of justice, and the district attorney (*Staatsanwalt*), in whose district the prison is situated, and in the second instance by the ministry of justice. For the cellular prison at Nürnberg there exists a special council of inspection, consisting of state officials, judges, district attorneys, and prison officials, together with private persons belong to Nürnberg. Other local authorities have nothing to do with the jurisdiction. The monetary

affairs and the auditing of accounts belong to the financial departments of the respective province.

2. The classification of prisons is as follows: (1) Houses of correction (*Zuchthäuser*).

2. Prisons for: (a) Grown-up criminals sentenced to a term exceeding three months; (b) Youthful prisoners whose terms exceed one month.

3. District prisons of courts of justice for: (a) Grown-up criminals for a term of less than three months; (b) Youthful prisoners for a term of less than one month.

4. Police prisons for arrest.

The district prisons of courts of justice are also the places where those persons are detained who await their trial. The houses of correction and prisons are divided into those for male and those for female prisoners. In the other prisons the two sexes are placed in different parts of the prison.

For persons convicted of theft, fraud (*Betrug*), obtaining money under false pretences, robbery, extortion or receiving stolen property, and sentenced to a term exceeding three months, there are special prisons, to which no other prisoners are sent.

3. Bavaria has four cellular prisons: one prison for 400 men at Nürnberg, and three district prisons of courts of justice, principally for persons under trial. All other prisons are on the collective system. However, in most prisons special cell departments exist for purposes of isolation.

4. As cellular imprisonment has only been in existence for a few years, accurate data respecting its effect cannot yet be given. But the defenders of the system of entire isolation gain more and more supporters, in consequence of the evil results experienced from the system of collective imprisonment, and also, though to a less extent, from the system combined, collective and isolated imprisonment.

5. The funds for the support of the prisons are obtained: (1) From the sale of prison labour; (2) from the fines to which persons capable of paying them are condemned; (3) should the income from these sources not suffice, the State pays the balance. About 16 to 18 per cent. of the cost is covered by the first, and 23 to 32 per cent. by the second source.

6. The ~~governor~~ and ~~a~~ ~~are~~ ~~appointed~~

King, the chaplains, doctors, teachers, steward and technical instructors, by the ministry of justice, the warders and clerks by the governor of each prison. The governors and administrators only are appointed for life, but the other officers also look upon the service as one in which to spend their lives. As a rule, officials quit this service either in the beginning, when their inclinations are against this work, or when it is shown that they have not the necessary capability, or on their being appointed to higher posts.

7. The governors, as well as some of the administrators, must have studied the prescribed subjects in philosophy and jurisprudence, and have passed the examinations admitting them to act as judges. Doctors, chaplains and teachers, also, must have finished the studies belonging to their respective professions, and have undergone examinations.

8. Special schools for governors and officials do not exist in Bavaria. For the former these are not needed, as they have served many years in prison service before they receive their appointments, and are fully acquainted with all matters connected with the service. For warders and officials of the same class, however, such schools would be desirable, because harm is done by ignorance in the treatment of prisoners, and the beneficial influence of the other officials, especially of the chaplains and teachers, is weakened.

9. Pensions are regulated in accordance with length of service. In the first ten years it is seven-tenths, in the second eight-tenths, in the third nine-tenths, and after forty years of service, or after the age of seventy is reached, the whole of the salary last received is given as pension.

10. Arrest is simple deprivation of liberty; sentences not exceeding six weeks may be passed. Persons condemned to imprisonment may be employed in work suitable to their capability and circumstances; they may demand to be thus employed. To employ them in work without the prison walls may only be done with their own consent. This punishment may extend to a term of five years. Those condemned to houses of correction must do the kind of work provided there. They may also be employed without the prison, in public works, or such occupations as are under the supervision of the State, but they must be kept apart from free labourers. This punishment

may extend to a term of fifteen years or to imprisonment for life.

11. The system of classification of prisoners exists in Bavaria. According to the prison rules, however, the governors are obliged to keep the ordinary prisoners apart from those who have shown by their past conduct that they give little hope of improvement, or who by example and communication exert a hurtful influence on others.

12. Through good and industrious conduct, a shortening of the original term of imprisonment may take place in the following manner: (1) According to the Penal Code of the German Empire, by an order from the ministry of justice, when the prisoners have passed three-fourths of their sentence (which must be at least one year of the punishment to which they have been sentenced). (2) According to prison rules by official petitions on the part of the governors; such a petition for the release of a prisoner can only be granted by the King.

13. The prisoners may receive as a share from the result of their work, from one to four kreuzers daily; in giving this share, regard is to be had not only to industry and capability, but also to good behaviour.

14. Other rewards for the purpose of stimulating the prisoners are: (1) Permission to buy or receive extra articles of consumption. (2) Permission to receive more frequent visits and conduct a more extensive correspondence. (3) Formal praise or recognition (*feierliche Belobung*). (4) Receiving better and more lucrative work. (5) School prizes (presents of books). (6) Rewards for work (presents of money up to four florins).

Extra articles of consumption permitted to be bought are: bread, butter, salt, milk, salad, and snuff. Beer is only permitted during harvest time, and to such prisoners as are occupied with the bringing in of hay and corn.

15. The prison regulations most often offended against are those which arise out of the intercourse with other prisoners, namely: exchange of articles of food and snuff, disobedience and brutality, such as opposition to officials, attacking fellow-prisoners, refusal to work, swearing, noisiness, and quarrelling.

16. The disciplinary punishments are—reproof, non-payment for labour up to four weeks, reduction of rations for a term of from eight to fourteen days; arrest, with or without work, to a

term not exceeding four weeks. In cases of strict arrest, the prisoner sleeps on bare boards. Imprisonment in a dark cell for a term not exceeding ten days; wearing of irons, but in such a manner as not to prevent the prisoner from walking. Isolation may form a part of the disciplinary punishments. Corporal punishment is strictly forbidden by law.

17. Every punishment is entered into a book kept for this purpose; an extract from it is added to the documents furnished to each prisoner.

18. In the houses of correction and prisons there are chaplains for prisoners belonging to the Christian religion; Jews are placed under the care of a rabbi of the neighbourhood. In the district and police prisons the prisoners are attended to by the clergyman of the place.

19. The duties of the chaplain are:

(1) To hold divine service in the forenoon of every Sunday and holiday and on the King's birthday, and in the afternoon to give one hour's reading or exhortation, and to hold another divine service on one week-day. (2) To administer the sacrament to sick prisoners when they demand it; to those in health, once every three months. (3) To give religious instruction twice a week for one hour. (4) To visit the prisoners confined in cells at least every fortnight. (5) To correspond with the clergyman of the places to which the prisoners belong. (6) To act as librarian.

20. Religious instruction forms, for those prisoners who show themselves willing to receive it, a thorough and indispensable means for improvement.

21. Volunteer religious teachers are not admitted.

22. On Sundays, instruction in drawing is given.

23. Letters sent to prisoners are submitted to the governor for perusal, and are only given to the prisoners when the contents are unobjectionable; otherwise they are placed with the documents belonging to the prisoners. Prisoners require permission to write letters. These are read by the governor and forwarded, or, if objected to by him, placed with the documents belonging to the prisoners.

24. The correspondence of the prisoners with their friends has a beneficial effect, because the ties binding them to their family, if broken, are thereby often re-knit, or, if existing, are made firmer.

25. Prisoners are allowed to receive visits from their friends.

26. An interview of a prisoner with any one visiting him can only take place in the presence of the governor or an official appointed by him. As a rule it does not last longer than a quarter of an hour, and the conversation should be carried on audibly and in a language understood by the official. The visitor may neither give nor receive anything from the prisoner.

27. See answer to question 24.

28. The average number of prisoners who are able to read on entering the prison forms 88 per cent. of all admitted.

29. Schools for prisoners exist only in the houses of correction and in the general prisons.

30. The school is divided into six classes. Every prisoner up to the age of thirty-six must attend school, and is sent into a class according to the extent of his knowledge. Prisoners above thirty-six years of age may, if they desire to do so, go to school. The governor may dispense with the visits of a prisoner to school, if the latter be sufficiently well-educated, or when the prisoner's state of mind is such that after repeated trials he shows himself altogether incapable of learning.

31. School instruction comprises reading, writing, arithmetic, geography, German history, and generally useful subjects; choral singing and drawing are also taught—the two latter subjects being optional. Prisoners who visit the school for less than four months make no particular progress, whilst those who have a longer term make very considerable advance.

32. The library consists principally of a religious and moral character, of books which are generally useful, of popularly written works on natural and general history, etc., and of popular editions of German classics.

33. Almost all prisoners in cells read a great deal and enjoy it, whilst those undergoing collective imprisonment prefer conversation. Reading exercises a good influence, because it does away in a great measure with the evil consequences arising from idleness, and assists the prisoner's improvement by the cultivation of his mind. Simple tales and entertaining books are preferred; religious books least of all.

34. A good system of sewerage does not exist in all prisons of this country, but in the newly-built prisons great attention has been paid to the subject.

35. The prisoners receive three times a day fresh water for drinking and washing. As a rule the water is of good quality.

36. The prison-rooms are generally well ventilated by windows. Different systems of ventilation have been tried, but without special success.

37. Work- and bed-rooms, as well as corridors, are daily swept, washed once a week, and painted once a year.

38. The prisoners must wash their faces and hands, clean their mouths, and comb their hair every morning on rising; they are shaved once a week, and their hair is cut when necessary. Every prisoner, according to his occupation, must take a foot-bath every week or fourteen days, and several times in the year a full bath, either in running water or in a house-bath.

39. There are many different kinds of water-closets used. In the cellular prison at Nürnberg there are fixed closets made of cast-iron, which by means of water-pipes are cleaned three times every day; the bend or neck which connects the closet with the refuse pipe remains always full of water, and thereby shuts off all sewer gas. By means of the water all the matter is carried off, and falls into a reservoir at some distance, whence again the liquid part is drained off into a stream. This arrangement works well. In some other prisons, however, the arrangements are far from perfect, especially where during the night movable closets are put into the bed-rooms.

40. The prisoners in cells must, upon a given sign, and after the work is done, put out their lights. There is no light in the cells at night. The bed-rooms in the prisons on the collective system, are lighted at night, so that they may be watched from the warder's room close by.

41. Some prisons are heated by stoves of iron or clay, others by hot air or water.

42 and 43. The prisoners' beds consist of:

(1) A bedstead of wood or of iron; (2) a straw mattress of unbleached coarse linen; (3) a pillow of the same material; (4) two sheets; (5) a blanket of good sheep's wool. In winter the prisoners receive two of these.

44. The hours of labour commence in the months of November, December, January, and February, at 6 o'clock; in the other months, at 5 o'clock in the morning, and last till 7

o'clock in the evening. The prisoner must rise half an hour before, and wash and dress. They breakfast from 7 to 7.30 o'clock; at 9 o'clock there is a quarter of an hour's rest; dinner-hour from 11 to 12; at 4 o'clock P.M. there is again a quarter of an hour's rest; at 7 o'clock is supper (soup); rest till 8 o'clock; bed 8.15 P.M. Every prisoner in good health must take daily one hour's exercise in the open air.

45. In the houses of correction and in the general prisons there are infirmaries, where the sick prisoners are taken care of according to the doctor's orders, and at the expense of the State. The care of the sick is entrusted, under the guidance of officials, to prisoners who have been selected by the governor with the approval of the doctor. If there are no prisoners fit for this duty, the sick are tended by nurses.

46. The most frequent diseases of prisoners are those belonging to the respiratory and digestive organs; to the first belong catarrhs of the bronchial pituitous tunic, which often precede disease of the lungs; to the latter catarrhs of the pituitous tunic of the stomach and the intestines.

47. The number of the sick is about 4 per cent.

48. The number of deaths is about 2 per cent.

49 to 52. Penal labour, properly so called, does not exist. The question relating thereto cannot therefore be answered.

53. The industrial labour in the prisons is conducted by the administrations.

54. When prison labour is given to contractors, another authority is placed between the administration and the prisoner, which cares only for making the greatest profit out of the prisoner's work. Not only is discipline thereby interfered with, but the character of the punishment and its purpose is placed in jeopardy. From the disciplinary and penitentiary point of view, the giving of prison labour to contractors is to be condemned, even though the profit derived therefrom be greater than if the administration carries it on.

55. See previous answer.

56. The number of prisoners who on entering prison are ignorant of any trade, averages 2.9 per cent.

57. Persons ignorant of any trade are only capable of learning one in prison when they are condemned to a lengthened term of imprisonment, at least to six months.

58. The administration try to educate prisoners, who have the necessary capabilities, by having them taught a trade by technical instructors, in such a manner that they shall be able to earn their living at it on leaving the prison. But on account of the small number of such masters at the disposition of the administration, only a small portion of prisoners can thus be educated.

59. Too frequent punishments for minor offences have no good influence ; either the prisoners become embittered, or the punishments, on account of their frequency, lose their effect. More can be done in these cases by reproof and teaching than by way of punishment.

60. The proportion of re-convictions amounts to about 30 per cent. It must, however, be observed that every kind of punishment, even for small offences, counts as a re-conviction.

61. Both prisoners who have relapsed into crime and those who have not are treated alike ; only the first, on account of their bad influence, should be separated from the last. According to the Penal Code re-conviction for theft, robbery, and concealing stolen goods is very heavily punished.

62. In the rare instances of imprisonment for debt the prisoners are sent to the district prisons of the Court of Justice, and the treatment of such prisoners is milder than that of other prisoners. It is a mere arrest ; they have almost unrestricted liberty as regards correspondence and the receiving of visitors ; their food also is better, and they are separated from other prisoners.

63. As causes of crime in Bavaria we may mention specially : (1) Want of religious teaching. (2) Defective education. According to a law that existed up to the year 1868, marriage between persons who possessed no landed property was exceedingly difficult, and, in consequence, illegitimate births were very numerous. As a result of the want of the beneficial influence which a family life exercises, illegitimate born form a considerable proportion of all prisoners. (3) Neglected education, especially in those parts where children are employed in the guarding of cattle or in working in manufactories. (4) Rough manners and customs. In some parts of Bavaria it is still a custom of the peasants to carry long stiletto-like knives when visiting public-houses and dancing-places, and thus

on Sundays and holidays the smallest cause often leads them to inflict on each other severe injuries.

64. Eighty per cent. of all prisoners are male and twenty per cent. are females.

65. Although reformation forms a part of the prison system, yet the favourable results desired are on the whole not obtained.

66. As a rule prisoners do not leave the prison much improved, although it cannot be asserted that they are worse than at the time of their entrance.

67. To procure work for those liberated prisoners who are considered as improved, the administration puts itself into communication, while the prisoner is still under their care, with honest employers, with benevolent societies, with the parish vestries, or other authorities. The prisoner receives on his dismissal, if necessary, clothes and travelling expenses from the funds of the prison. By these means prisoners are often preserved from relapse.

68. In every province of the country there exist liberated prisoners' aid societies; these are, however, much hampered in their activity by ignorance, and the little interest which exists in the mind of the public in many places respecting their objects. But it may be mentioned that the Munich Society, which has existed for eleven years, has found employment for 1,182 discharged prisoners, of whom 377 have relapsed again, whilst 805 conduct themselves well, and may be considered as reformed. The objects of these societies are, to receive into a refuge those who are homeless, to try to procure them work, to give help, more especially in the shape of tools, and to watch carefully the conduct of each discharged prisoner.

69. Prisoners in health receive three times a day warm food (soup with rice or barley, potatoes, pulse or flour), and 560 grammes of rye bread. Besides this, every two or three days, 140 grammes of beef free from bone. The rations for the sick depend upon the orders of the doctor. The food is good in quality and sufficient in quantity.

70. The system of collective imprisonment which exists in most of our prisons cannot be considered as satisfactory, the more so as most of our prisons are old castles or convents, which are not well adapted for the purposes they are used for. Old

offenders take the lead, and the bad spirit which, under the existing defective arrangements, may indeed be fought against but not eradicated, often brings to nought the best efforts of the prison officials, and is opposed to a lasting improvement of the prisoners. One ought to be satisfied when prisoners do not leave their prisons worse than when they entered them. These defects can only be remedied by building new prisons on the cellular system.

PETERSEN,
(*K. STAATSANWALT*).

PRUSSIA.

1. All the Prussian prisons are under a central authority. The local prisons, used exclusively for preventive imprisonment and for short punishments, are under the minister of justice; the large penitentiary establishments or central prisons are under the minister of the interior. In Rhenish Prussia, conformably to the decrees of the criminal code still in operation for that part of the State, the local prisons are under the minister of the interior. The replies which follow have exclusive reference to the department of this last minister.

The powers exercised directly by him are: 'The regulation of the financial condition and of the general principles governing the economic administration of every prison, the treatment of the prisoners as regards discipline, religious worship, instruction, work, dress, and food. He nominates all the superior officers, and authorises new buildings and all alterations for which the sums voted to each prison by the usual budget are insufficient. Finally he exercises a general control over all prisons, by charging a special officer with their periodical inspection, and by deciding in the last instance on all complaints made by prisoners or officers.

All other authority for the management of prisons belongs to the administrative authorities of the provinces; they have particularly to direct the application of the money granted to each prison, to control the economic and industrial arrangements, decide on the mode of treating the prisoners, and on the conduct of the officers. For these purposes every prison is inspected by members delegated from the provincial authorities, at intervals not exceeding a few months.

2. The tribunals, in accordance with the penal code of the German Empire, can inflict—hard labour; imprisonment; imprisonment in a fortress; simple detention. The last applies only to trifling infractions of the law, and does not last above six weeks. There is no special prison for those sentenced to undergo imprisonment in a fortress; when the case occurs the punishment is undergone in a place appointed for this purpose in an ancient fortress. However, prisoners sentenced to hard labour, to imprisonment, or simple detention, are on principle placed in special prisons. Where from exceptional circumstances, only one prison can be used for those undergoing the different kinds of punishment, the separation of the various classes of prisoners is less complete.

At the present time there exist: (1) Prisons exclusively for hard labour, 29. (2) Prisons for imprisonment and simple detention, 15. (3) Prisons of a mixed character, 11. By order of the administrative authorities, persons sentenced to simple detention for slight offences (begging, vagrancy, professional prostitution) may, after they have undergone their punishment, be deprived of further liberty by detaining them in a house of correction (*Arbeitshaus*, workhouse). The number of establishments of this kind is sixteen. They are maintained by the provinces and not by the State.

3. The Prussian prisons will hold 26,500 prisoners. Forty-seven prisons are provided with cells for solitary imprisonment by day and night. The number of these cells is 3,247.

There is only one prison which is exclusively reserved for the complete carrying out of the system of isolation; in the other forty-six prisons the cellular and associated systems both exist. The cells for isolation during the night only number 2,000; this number is doubtless insufficient, but it is being daily augmented.

4. We cannot feel absolutely certain that the application of the two systems to criminals who have been long addicted to vice, has sensibly differed in result as to their reformation. After remarkable experiments in Prussia, everything being taken into account, there is no reason to conclude that the number of recidivists has been lessened by the cellular treatment. Yet these experiments show some examples of the lasting reformation, even of hardened criminals, by cellular imprison-

ment; and it may be doubted whether this reformation would have been effected by imprisonment in common. The reforming influence of the cellular system and its superiority over the associated system, can only be demonstrated with certainty in regard to criminals who, excited by opportunity, or carried away by passion, have fallen into crime. It is indisputable, that a large proportion of criminals of this class, after undergoing cellular imprisonment, are restored to society completely changed and reformed.

We can reply with much more certainty to the proposed questions, if we limit ourselves to the influence exercised by the two systems on the state of the prisoners during imprisonment. In this respect we can establish the fact, that the system of isolation as practised in Prussia, that is, by completely separating the prisoners, and at the same time submitting them continuously to work adapted to their capacity, to instruction, religious worship, selected readings, and regular visits from the officers, chaplains, surgeons, and professors, has produced more favourable results than the associated system, both as regards the mental and physical condition of the prisoners, their obedience to disciplinary rules, and the produce of their labour.

We should add, that in Prussia we have had no evidence of the inconveniences and evils which the opponents of the cellular system say are inseparable from it. Very rarely, and now more and more seldom, do we find among isolated prisoners any of those sad phenomena called distress of mind, aberration of intellect, suicide, physical decay, unnatural crimes, idleness, and rebellion. Their sanitary state is relatively good, and we seldom observe that brutal expression which so often marks the criminal countenance. They generally like work, give more attention to instruction and sermons, and enter more freely into conversation with visitors than the other prisoners. Breaches of discipline, with the consequent punishment, are comparatively rare among isolated prisoners. We have had no serious offence to register for some years.

It is obvious that this favourable judgment is only based on experiments carried on in prisons in which the cellular system is exclusively applied, or in which it is applied to a considerable number of prisoners, and where there are exact arrangements for penitentiary education. In prisons where there are too few

cells, and scarcely enough for persons who for disciplinary or police reasons cannot be placed in the common prison, we naturally expect very different results, which ought not to be attributed to the penitentiary system itself. As to collective imprisonment conjoined with a prohibition of conversation on the part of the prisoners without their separation at night, and where about as much attention is given to instruction and religious consolation as in the cellular system, we would not assert that this mode of imprisonment has had a bad influence on the general condition of the prisoners. Even in prisons where the associated system prevails, we do not find an unsatisfactory proportion of cases of sickness and death; and, moreover, in many instances the discipline is excellent, and the industry remarkable. Yet to secure such discipline and industry numerous disciplinary punishments are, as a general rule, indispensable. Their effect too often is to embitter the minds of the prisoners and to close them to renovating and reforming influences. Moreover, it is a well-known fact that the most vigilant direction on the associated system rarely uproots confederacies among the prisoners, or prevents those immoral relations which are a sad stain on these establishments. After our experiments, we can state positively that no classification of prisoners can provide a remedy for such evils. Besides, the great number of prisoners in a collective prison hinders the directors from gaining that accurate knowledge of individuals which an efficient classification demands.

Which system we prefer, and on what grounds, has been shown by the preceding remarks. Nor need we make use of the favourable testimony which has been given to the cellular system, to induce us to introduce it as the only system of imprisonment. We can truly say, that a large number of those imprisoned—such as epileptics, the infirm, the insane on admission or after reclusion, cannot, for obvious reasons, be subjected to cellular treatment. It is also very doubtful whether it can be applied in unusually long sentences without injury to the prisoner.

Finally, without considering various other difficulties, the exclusive adoption of the cellular system is opposed by the favourable results which have attended in several European states the application of what is called the ‘progressive system,’

an ingenious combination of the cellular and associated systems, and which allows an intermediate state between imprisonment and liberty and leave in case of good conduct. If it is asked how the results of these experiments can be profitably used in Prussia, we must state that at present we are seriously engaged in the solution of the question.

5. The money of the State covers any deficit between the actual expense, and the income of the prison from industrial or agricultural labour, and the sums paid by prisoners possessing property. The mean annual cost per prisoner is 83 thalers; the mean annual receipts of all kinds of prisons is 28 thalers; net product of labour, 25 thalers; of pensions, 3 thalers. Deficit paid by the State per head per year, 55 thalers.

6. The minister appoints the directors and superior officers; the subaltern officers are appointed by the provincial authorities. The superior officers, after a certain period on trial, are appointed for life. The subalterns are liable to dismissal: yet, after some years of blameless conduct, they also are appointed for life.

7. Besides personal integrity, sufficient general and special knowledge, directors and superior officers should be gifted with true and keen observation, a delicate discernment of individual character, and ability to read the secret thoughts of prisoners. They should also be energetic and strict, and yet kind and entirely impartial. Finally, they should possess some administrative capacity, and be, to a certain extent, familiar with the technical part of the trades, and have some knowledge of farming.

As regards the subalterns, good directors will make them useful officers if they possess thorough honesty, imperturbable coolness, unshakable firmness mixed with gentleness, and a sufficient amount of intelligence and of moral and religious instruction. In selecting officers we give preference to retired soldiers.

8. No special training schools exist. The establishment of such schools for superior officers seems unnecessary if they possess, when they enter on their duties, sufficient education. They are able by diligent study of law and books on prison management, easily to acquire, while discharging their duties, the requisite special knowledge. However, it is very desirable that such schools should be established for the inferior officers, whose

instruction gained at a primary school is seldom wide enough to enable them to perfect their knowledge afterwards sufficiently to do anything beyond routine work.

9. Officers rendered incapable of further service receive a pension, whose amount is regulated by the laws regarding the retiring allowances of all other State officers. To gain a right to a pension, ten years must be served: the pension increases with each additional year of service. It can, however, never exceed three-fourths of the salary.

10. Punishments inflicted by virtue of the penal code are distinguished as follows:

(a) The most severe punishment is hard labour, which is inflicted for life or for a time. The minimum of this punishment is a year; the maximum, fifteen years. It inflicts on the sentenced prisoner compulsory labour without restriction, both inside and outside the prison. It also renders him incapable of serving in the army or the navy of the empire, or in any public office.

(b) Imprisonment. The maximum is five years. A prisoner in this category is not compelled to work except in accordance with his capacity and the position he occupied in social life; and he is not obliged to work outside the prison against his will.

(c) Imprisonment in a fortress for life, or for a fixed period, whose maximum is fifteen] years. This punishment comprises simple privation of liberty and surveillance over the occupation and mode of life of the prisoner (*custodia honesta*).

The execution of this sentence only takes place in fortresses or in other isolated localities.

(d) Detention for trifling offences. This punishment, which never exceeds six weeks, is attended with simple privation of liberty; it can, however, be increased in severity by compulsory labour when it is inflicted for vagrancy, begging, or professional prostitution. Those sentenced in this category, unlike those in (b), can be forced to work outside the prison.

The minimum of imprisonment, of imprisonment in a fortress, or of simple detention, is one day. To every sentence to hard labour the judge can add civil degradation; but to a sentence of imprisonment, he can add it only in case the imprisonment is for three months, and the law expressly allows the privation of civil rights, or in cases where mitigating circumstances have induced the tribunal to inflict imprisonment instead of hard

labour. Those sentenced to imprisonment in fortresses, or to simple arrest, cannot have their punishment aggravated by the loss of civil rights. The punishment of hard labour, and of imprisonment, can be shortened in all cases where the duration is at least sixteen months; but in cases of imprisonment in a fortress, or of simple arrest, royal clemency alone can abridge the punishment.

11. The regulations order that prisoners undergoing their first sentence, and recidivists, should form two separate classes, wherever the prisons admit this division. Chiefly, however, in large prisons on the collective system, this separation is attended by many difficulties. In such cases little attention is paid to classification. Further, the chief classification adopted is the separation of the young from the older prisoners. This separation is effected by placing the young, as far as possible, in unoccupied cells.

12. Prisoners sentenced to hard labour and to imprisonment, by the penal code of the German Empire, can be liberated with liability to re-imprisonment, if three-fourths (a year being a minimum) of their sentence has been undergone, and if their conduct during that period has been irreproachable. The minister of justice, having heard the report of the administration of the prison, orders this provisional liberation. The favour is revoked if the released prisoner is guilty of bad conduct, or breaks the rules imposed on him to enable the police to exercise surveillance over his conduct. The punishment is regarded as entirely undergone when the time of provisional liberation passes away without revocation. But in case the provisional release is revoked, the time the prisoner has been at large is not reckoned in his favour. Other reductions of punishment can only be obtained by recourse to royal clemency.

13. Prisoners can receive a certain part of the product of their labour. This part can never exceed one-sixth, and it is liable to various alterations, according to their good or bad conduct, and the zeal they have shown at work. That part of the earnings granted to them is placed in a box in the prison. They are allowed to dispose of half this part up to a certain amount, when they have obtained permission from the administration. The other half is given to them only on their release, after having undergone their entire sentence.

14. Beyond the half of their earnings, no other special reward is granted to prisoners for work well and honestly performed.

15. These are, first, slight offences against order, as neglecting to keep silence, disorder, uncleanness, and readiness to quarrel with their fellow-prisoners. These infractions in 1869 were 57 per cent. Afterwards, the violations of regulations are—improper, insolent, and rebellious conduct towards the officers; these were in 1869, 24 per cent. Lastly, we have those infractions of rules which consist in avoiding and escaping from work; these infractions in 1869 were 19 per cent.

16. The regulations appoint the following punishments:—

(a). Degradation to the second class of prisoners (No. 11).

(b). Privation of the right of disposing of the half of their earnings (No. 13), as well as of better treatment on holidays.

(c). Solitary imprisonment in cells appointed for violators of regulations: this imprisonment, according to the gravity of the violation, may be accompanied by withdrawal of hot food, of work, of light, and of their bed. These punishments, if circumstances require it, may be inflicted in a cell with a lathed floor.

(d). Castigation. This is only inflicted on men; the maximum is 30 lashes.

These two last punishments, namely, imprisonment in a lathed cell—a punishment which cannot be extended beyond fourteen days, and which is undergone in such a way that the culprit gets one out of every four days for relaxation—and castigation, can only be authorised by the director of the prison, at the request of the superior officers, including the surgeon and chaplain. If the majority of the officers mentioned refuse to consent to it, the decision with respect to it belongs to a competent provincial authority.

17. An exact register of all punishments is kept. This is regularly examined by a competent provincial authority.

18. Chaplains are found in all prisons, and for all forms of worship.

19. The chaplains hold divine service every Sunday, and once in the course of the week. They have also to administer the sacrament to the prisoners at stated periods, and discharge all other pastoral duties. They give religious instruction, and superintend the primary instruction given by the masters engaged. Lastly, they are bound to labour seriously for the

salvation of the souls of the prisoners, and with this aim they have to visit them regularly in their cells or in the infirmary. When the prisoners desire to see them, it is their duty to give them an interview, and also when, from any other cause, their spiritual aid is requisite.

20. In all instruction given to adult prisoners our aim is not so much to give new knowledge, either useful or necessary, as to teach them to reflect, and to liberate them from that sad brutishness which is so often the only cause of their crimes.

The less instruction is an exercise of mere memory, or demands a mere mechanical activity; the more it engages the attention of the entire man, the more it acts at once on heart and intellect; to that extent it will more efficaciously fulfil its highest purpose.

It is almost unnecessary to remark that the unchanging truths of religion and morality, when taught in a worthy and striking manner, best fulfil the highest aims of instruction, and are richest in satisfactory results. Such instruction in prisons may therefore be regarded as one of the most important means for the moral reformation of the prisoners.

21. Persons who are known to have great interest in all that concerns prisons, and private persons of high moral character, may, at their request, have admission into the prison. On the other hand, frequent communication between persons having no part in the administration of the prison, and the prisoners, is deemed inconsistent with their due punishment and the maintenance of order.

22. There are many Sunday-schools.

23. The prisoners must have special permission from the director of the prison before they can write or receive letters. He can, however, only refuse them this permission in exceptional cases. The administration read the prisoners' letters before sending them to their address. Letters are only delivered to the prisoners when their contents are unobjectionable.

The chaplain generally delivers the letters addressed to the prisoners; he takes this occasion for acquiring a knowledge of their relations, and their affairs, and seizes any opportunity he may thus have of inducing them to seek eternal life.

24. Such correspondence with their friends and relatives

as is permitted, has in general a beneficial effect on the prisoners.

25. These visits are only exceptionally allowed and when the visitor's character is above suspicion.

26. These visits are made in a room of the prison appointed for the purpose, and in presence of an officer charged with listening to the conversation.

27. The general moral effect of these visits is good: and we may regard them and the correspondence (Nos. 23 and 24) as an efficacious remedy for the feelings of despair and wretchedness which so readily take possession of prisoners.

28. Out of a hundred sentenced to hard labour, eighty-three could read; as regards other prisoners, the proportion is more favourable.

29. Schools exist in all prisons except four small houses of arrest.

30. All prisoners undergoing cellular imprisonment receive instruction.

Among the associated prisoners, we give a preference to the young, and to those whose education has been greatly neglected, and whose intellectual faculties give promise of subsequent progress.

So far as space and the number of masters at our disposal allow, we have the same interest in the other classes of prisoners, and take care they share to a certain extent in the course of instruction.

In 1869 the total number of prisoners under instruction was, on an average throughout the year, 4,309, or 15 per cent. on an average of all the prisoners; that gives on an average four to six lessons per week per head. To the aforesaid number of prisoners receiving instruction, we must add 9,722 prisoners whose instruction is limited to sacred history and religion, and 2,047 who had in particular lessons in singing.

31. The prescribed subjects of instruction are—sacred history, reading, writing, arithmetic, singing, and sometimes drawing. The lessons in reading at the same time give instruction in the history and geography of Prussia. The arithmetic is such as is useful in daily life. Lastly, the prisoners are diligent in learning, and make satisfactory progress.

32. The prisons have libraries containing religious, instructive, and entertaining books. In 1869, the total number of books in these libraries was 144,418 volumes—42,210 entertaining and instructive, 23,745 educational books; the remainder were religious books.

33. Most of the prisoners are willing and diligent readers. They all show a marked preference for histories and works on natural science written in a popular style. Such reading has evidently a very good influence on them.

34. As regards sewerage, the greatest possible care has been taken.

35. One hundred to one hundred and twenty litres of water per day are considered essential for each prisoner. In the majority of prisons the water is of good quality.

36. All the new prisons built within the last forty years have been furnished with a system of artificial ventilation generally connected with heating apparatus. In prisons of an anterior date, the means of ventilation are more simple, and sometimes in reality inadequate. To change the air sufficiently, the doors and windows are frequently opened.

37. All the places in the prison are swept once or several times every day, and they are washed as often as necessary. All the rooms are whitewashed at least once a year. Night utensils are washed and carefully disinfected. The beds are very often examined, to keep them as clean as possible, and especially to preserve them free from vermin. Everywhere the prisons are scrupulously clean.

38. Every new prisoner, as soon as he is registered, is completely washed, his hair is cut, he is shaved, and dressed in clean linen and clothes. Every day he is bound to wash his hands and face thoroughly, and to comb his hair carefully. Every Saturday he has to wash the upper part of his body and his feet. Once a month at least he is obliged to take a complete bath. Prisoners are shaved twice a week. Their hair is cut as often as necessary. Their body-linen is changed weekly, their bed-linen monthly. Every four months their mattresses are changed. Their woollen counterpanes are washed as often as it is deemed requisite.

As regards the cleanliness of the prisoners there is nothing more to be desired.

39. In the cellular prisons there are water-closets, or portable vessels which are regularly emptied and cleansed. In the collective prisons there are water-closets placed in buildings specially appointed for this purpose or in detached buildings. One part of these water-closets is furnished with an apparatus for separating the liquid from the solid matter. Most of them, however, at the present time, are still in a primitive state, and can only be preserved sweet by frequent floodings and repeated applications of disinfectants. In some prisons there are closed wooden vessels with water-taps, and provided with pipes by which the fæcal matter is carried off. This system has given satisfaction wherever the vessels are emptied and disinfected frequently. The excrementitious matter is removed by the night-soil men, or by sewers which can be flooded.

40 and 41. The prisons are lighted with gas, petroleum, or oil. The dormitories in common are lighted during the night. They are heated in the new prisons by hot-water apparatus.

42. The bedsteads are made of iron and wood; iron beds are used in all modern prisons. In cellular prisons here and there hammocks are used instead of beds, but they are now being replaced by folding iron beds.

43. The beds are furnished with a paillasse and a pillow; where there are hammocks there is a small hair mattress, a sheet of linen or calico, and a woollen counterpane; these are enclosed in a white or coloured case of linen or calico. In winter two or three counterpanes are allowed. In the infirmaries hair mattresses are substituted for the paillasse in cases of serious illness.

44. In winter prisoners work from 6 A.M. till 8 P.M.; in the other seasons they commence at 5 A.M. and finish at 8 P.M. They are allowed to suspend work for a quarter of an hour at 7 A.M., and at 5 or 6 P.M., in order to take their soup. The principal meal is made from 12 to 1 o'clock. For recreation in the open air each prisoner, in a fixed order, is allowed from half an hour to an hour. Lastly, work is interrupted by school and catechising. The hours of sleep are from 8 P.M. to 4·45 or 5·45 A.M. On Sundays and holidays there is no work at all.

45. Special infirmaries exist in all the prisons. They are fitted up with everything needful for the treatment of the sick. Attached to them, besides the surgeon, are special infirmary

attendants. The prisoners admitted into the infirmary are excused from all work, have the particular diet prescribed by the surgeon, and receive all needful medicine and whatever else can facilitate and secure their recovery. If, in the opinion of the surgeon, the sick prisoner need not be admitted into the infirmary, he receives medical treatment in the ordinary rooms with or without exemption from work.

46. Pulmonary, intestinal, and other forms of consumption, renal affections, dropsy, cerebral and spinal diseases, and chronic affections of the abdominal organs, which have not been previously cited.

47. Eight per cent. of the prisoners are usually under medical treatment; about 4 per cent. of the whole number of prisoners are in the infirmaries.

48. The death-rate is from 2 to $2\frac{1}{2}$ per cent. on the average number of prisoners.

49. Penal labour merely does not exist. In addition to the economic work for the prisons themselves, the following trades are practised: (a) For men, weaving, cigar-manufacture, joiners' and carpenters' work, shoemaking, bookbinding, curtain-rod and picture-frame manufacture, net-making, tailoring, saddlery, trunk and box-making, basket-making, brush-making, locksmithery, brass-casting, metal-turnery, manufacture of clasps and coins, wood-carving, manufacture of wooden fancy-work, manufacture of machines and edge-tools, manufacture of lace, ribbons, sashes, &c., manufacture of toys and hardware, clock and watch-making, scraping feathers, nail and chain-making, wadding and felt manufacture, lithography, engraving and illuminating, manufacture of corks, leather dressing and tanning, button manufacture, the art of turning in horn and ivory, manufacture of walking-sticks, umbrellas, and combs, the cutting of crystals and glasses for spectacles, straw-mat making, glove manufacture, marble-cutting, cooperage. (b) For women, embroidery and knitting, sewing, glove-making, cigar-making, tapestry, spinning, weaving, feather paring and scraping. In addition to the trades mentioned above, part of the men are occupied in farming operations. The prisoners, when opportunity offers, also perform other industrial work not above-mentioned, but fewer of them are engaged in it.

50. See the first answer to No. 49.

51. *Idem.*

52. *Idem.*

53. Only in urgent cases, and to a very limited extent, is industrial labour done for the administration. Usually this labour is conducted by contractors who agree to pay to the administration of the prison a sum stated in the contract for each day or each piece work. What work shall be given to contractors is settled by the administration. It likewise has absolute control in the selection of prisoners for the performance of the given work, and also over the execution of the work. It is thought very important to have such a number and such a variety of trades, that, in allotting prisoners their work, due regard may be had to their trades before admission and to their capacity. Each particular branch of industrial labour is, by the regulations, given to one contractor.

We may remark here that the Prussian system has nothing in common with the system of 'general contracts' adopted in some other countries.

54. After stating (No. 53) that the industrial labour of the prisoners is regulated under contractors in the manner just indicated, and especially that all direct relation between the prisoner and the contractor is excluded, it may be readily seen that, while the State is released from directing the industry, there must be considerable loss to the national finances; it must, however, be granted that the present system simplifies the administration.

55. There are no important differences in the mode of contracting for the labour of the prisoners.

56. About 5 per cent. are ignorant of a trade on entry.

57. They learn one in prison.

58. It is considered highly important for a prisoner during his imprisonment to learn how to help himself on his liberation. In addition to school instruction and apprenticeship to a trade, he is bound, in order to learn the art of self-help, to keep himself strictly clean, take due care of his clothes, see to the cleanliness of his cell and all utensils, and to the proper order of his bed.

59. A negative reply must be given to this question. This is explained by the fact that prisons in which short sentences

have to be undergone are very defective both in arrangement and organization.

60. We can only reply at present with certainty in respect of those sentenced to hard labour. 60 to 70 per cent. of such prisoners in the whole kingdom are recidivists.

61. The penal code decrees a more severe sentence against recidivists who have been *repeatedly* sentenced for robbery, concealment (of thieves or stolen property), and cheating, and also for a single relapse, if the charge is for robbery with violence.

Except in the cases just mentioned, the penal code menaces the recidivist with no increased punishment; but the judge may take into account anterior convictions, and then pass a sentence more severe than the minimum provided by the law.

In the execution of the sentences no distinction is made whether the prisoners are recidivists or not.

62. In commercial and civil matters there is no longer imprisonment for debt, inasmuch as we have seen it used to enforce the payment of debts of a questionable character. Imprisonment for debt is, however, allowed when it is necessary to secure the prisoner's commitment or judicial prosecution, or to execute a distress warrant. The treatment of prisoners for debt is totally different from that of criminals.

63. In proportion to the whole number of crimes, there are few cases in which crime arises from poverty or misery. Generally it springs from a completely neglected education, dislike of work, drunkenness, or rather a lust after immoderate and ruinous luxury and debauchery.

64. Five-sixths are men, one-sixth women.

65. The principal aim in Prussian prisons is to satisfy justice, and to make the prisoners feel their punishment is an expiation of their crime. At the same time all suitable means are employed to effect their moral reformation. Efforts are made to give them habits of order and work, and their minds are influenced by scholastic instruction, spiritual consolation, and moral precepts.

66. When we consider the number of recidivists, we should be inclined to think the prisoners left prison worse than they entered. This, however, all things being considered, would not be a just conclusion. We might more truly say that, in general, privation of liberty has no great influence on the ma-

jority of prisoners, and that their relapse is due to the same causes as lead to their first crime, for after the restraint of imprisonment is removed, old influences naturally regain dominion over them. There is no doubt that associated imprisonment tends to make prisoners worse.

67. The administrative authorities of prisons use their best efforts to obtain protection and work for liberated prisoners. For this purpose they communicate with the minister and authorities of the native place or residence of the prisoner, and, wherever they exist, with prisoners' aid societies.

Owing to the reluctance of masters and workmen to have relations with liberated prisoners, the efforts made to aid them have not been satisfactory in their results.

68. They exist in many towns. In Rhenish Prussia and Westphalia, there is a society more important and better organized than the others, which aims not only at reforming the prisons themselves, but also at aiding the prisoners on their release. Prisoners' aid societies in Prussia have neither a common organization nor a common centre which unites them; and many more are wanted to make them bear any just proportion to the extent of country. Their number is too small and their action too feeble, sufficiently to realise the objects they have in view. The duty of these societies is to give temporary shelter and work to liberated prisoners, either in asylums provided by the society or in the houses of private persons of honourable character. Sometimes they furnish them means of emigrating to foreign lands where they will find it more easy to lead a new and honest life. Lastly, the societies in every possible way maintain relations with them in order to aid them with counsel or pecuniary gifts. If the results obtained by the societies have not been in proportion to their benevolent efforts, it must be attributed to defective organization, and to the very nature of their mission.

69. (a) The food of the prisoners is satisfactory both in quantity and quality. They have three meals a day.

For breakfast and supper they have $\frac{3}{4}$ of a litre of soup. Twice a week, instead of soup, they get coffee and milk.

They have $1\frac{1}{4}$ litres of soup made with meat or fat and vegetables for dinner. To prepare this soup, 210 grammes of meat and 80 grammes of fat per head are allowed. Each

male prisoner receives 625 grammes of bread per day; each female, 450 grammes. Prisoners engaged on laborious work have an extra quantity of bread and beer allowed.

69. (b) In many respects the organization of Prussian prisons may be considered perfect. Order, especially, characterises the administration. The assiduous care taken in regard to the prisoners in all respects, and the efforts made to give them work suited to their capacities, are beyond reproach. The discipline, severe yet just, is excellent. The instruction and religious exhortations are efficiently and carefully given. On the other hand, our system has some grave defects which urgently demand the remedy we are earnestly striving to find. Some of the prisons require complete re-building; others need internal re-construction; a general rule enforcing the separation of prisoners at night is urgently required, and their isolation both by day and night ought to be more complete. We need the application of cellular imprisonment in all cases of preventive detention and of short sentences. We think this system also indispensable for the objects aimed at in all penitentiary reclusion, and we consequently propose a proportional increase in the number of cells.

We ought also to devise means for permitting the prisoners to work in the open air more than they do at present, and to effect this change in such a manner, that the new measure may serve as a preparatory step for the prisoner's return to liberty. It is moreover very requisite to care more for the preliminary training of the inferior officers, to increase their number, and to give them facilities for passing, after a certain length of service in prisons, into other branches of the State service. Lastly, to solve the difficulties which till now have obstructed effective prison reform in our country, we must first create a central organization which would regulate prisons of every kind, and have due regard to the interests of every nature connected with prison administration.

SAXONY.

For more than twenty years there has been a conviction in Saxony that sentences of imprisonment should be undergone only for the expiation of crime, the protection of society, and to

deter the prisoner from the commission of subsequent offences. The Saxon Government has, therefore, two principal objects in its penal system—the satisfaction of justice, and the reformation of the prisoner.

Since 1850 the penitentiary of Zwickau has been specially distinguished by successfully applying the principle of reformation by means of individual treatment. The Saxon Government was in consequence induced to extend the same system to all the prisons of the kingdom. It more readily placed confidence in the new method, because it works by no complicated apparatus, complies with existing circumstances, is based on the true psychological principle of individual treatment, and so combines different modes of imprisonment as to gain the best results. Thus, the common modes of imprisonment and treatment are excluded; and, just as a physician prescribes suitable medicine and diet for his patients, so the administration provides fit education, work, and food for its prisoners. The penitentiary of Zwickau gave proofs that this idea was not only theoretically right, but also practicable. The Government, therefore, in 1854 resolved that all the Saxon prisons should adopt the new regulations for internal management and the treatment of prisoners.

1. *The Prison System.*—Accordingly there is in Saxony no penitentiary where either solitary or collective imprisonment is exclusively employed; both modes are used according to the prisoners' individual wants. Saxony has eleven houses of correction where, especially during the last ten years, the previously mentioned reforms have been carried out. The prisons are divided into the following classes:—(1) prisons for severe punishment; (2) prisons for less severe punishment; (3) prisons in a fortress; (4) reformatories; (5) prisons belonging to courts of justice; (6) prisons belonging to police courts. There are at present 2 prisons for severe punishment; 3 prisons for less severe punishment; 2 for older prisoners; and 1 for youthful prisoners; 1 prison in a fortress; 5 houses of correction or reformatories, 2 being for children, 1 for youthful, and 2 for older prisoners. Prisons belonging to courts of justice and police are necessarily attached to those courts. There were in 1871, on the average: 1,153 prisoners in prisons of severe punishment; 1,001 in those for less severe punishment; 1

prisoner in a fortress; 684 in houses of correction; and 1,800 in prisons attached to courts of justice and police.

2. *General Administration*.—A central authority for the administration of prisons does not exist.

The administrative authority rests, except in prisons belonging to courts of justice and police, in the hands of the ministry of the interior. The ministry of justice takes full cognisance, by commissioners, of the way in which the sentence is carried out, and also controls the domestic arrangements. The prisons belonging to courts of justice, in which, since December 19, 1870, imprisonment not exceeding four months can be undergone, are superintended by the ministry of justice, which has issued remarkable orders, dated December 27 and June 21, 1862, relating to the spiritual care and to the industrial occupation of the prisoners.

The ministry of justice in its prison administration has obtained favourable results.

3. *Discipline*.—The discipline aims at the satisfaction of justice, the improvement of the prisoner's condition, and his moral reformation. A certain amount of deterrent punishment had to be inflicted by the administration of prisons in accordance with the penal law, and severer punishment in case of relapse; but this severity was abolished by the revised penal law of 1868. Above all things efforts are made to revive and maintain the following hopes in the heart of the criminal—the hope of moral amendment, of re-establishment in society, of improving his condition in prison, and even of abridging the duration of his imprisonment. The administration thinks that the church, the school, and Sunday's instruction, are the best means, in the hands of a sensible officer, for effecting moral reformation. In short, it aims at making the prisoner understand that he can make progress neither in prison nor in civil life without radical and true amendment. The question whether a discipline founded on rewards or punishment, is the more successful, is almost superfluous, for it entirely depends on the individual character of the prisoner. By an order dated March 10, 1864, in consequence of the favourable results of experiments made during the last ten years, disciplinary punishments were greatly reduced, and now consist in diminution of food, more or less severe imprison-

ment, and in withdrawing the recompense of work done. Corporal punishment with a rod or thin stick, up to thirty strokes, or punishment on laths (the former only used against criminals of the lowest class of discipline) is under certain restrictions, and can only be applied after mature consideration and deliberation on the part of the officers. It is seldom used, and has, for example, not been applied in the penitentiary of Zwickau for the last ten years. Strictly speaking, there can be no question of recompense; but diligence is rewarded by a higher allowance, and good conduct places the prisoner in a higher class of discipline, or obtains for him a place of trust. Leave of absence or previous leave, that is, a remission of part of the imprisonment, is regarded by the prisoners as the highest reward. The administration makes it the termination of the three stages of discipline. This leave of absence arose first in royal clemency. By order of the King it was first granted in 1862. The Saxon mode of remitting part of the sentence has proved excellent in its results: for down to January 1, 1872, of 415 prisoners dismissed, only 11, or 2·65 per cent., relapsed. The same mode was adopted throughout Germany by the confederate penal law (law of the German Empire) May 31, 1870, with this difference only,—that the probationary period, or previous leave, can only be set aside by royal pardon or the highest judicial authority.

4. *Influence of Religious and Moral Agencies.*—The prisoners are equally cared for whatever their religious creed. Exactly as in every truly religious household, all members must mutually help to attain what is desired, so in Saxon prisons everything is arranged for the purpose of promoting, before all things, moral education by common worship of God and individual care of the soul. The use of extraordinary moral agencies is not admissible; they have been found unpractical, for prisoners place no confidence in strangers. Casual visitors, whose purpose is the moral improvement of the prisoners, are therefore not admitted. It is not to be expected that everybody will possess the ability of discerning the individual wants of prisoners.

5. *Secular Instruction.*—In regard to the condition of the criminals in the kingdom of Saxony, the observation in general has been made, that the prisoners are pretty well instructed in

the elementary branches, but that further education is in most cases neglected. The penitentiary takes especial care to supply the defect of the elementary education by obligatory weekly instruction. At the same time the general and special preparation for their vocation or calling is supplied by free instruction on Sundays. Such instruction is not obligatory but voluntary, and the prisoner has a claim to it owing to his good behaviour; it is voluntarily given by the officers, and not by the clergymen and teachers alone. The library in the penitentiary of Zwickau contains 5,000 volumes of religious, instructive, and entertaining books, thus providing for all the mental wants of the prisoners, who, under the careful assistance of the teachers, are diligent readers.

6. *Prison Labour.*—Properly speaking, work in place of punishment does not exist in any one of the penitentiaries of Saxony. Saxony, one of the most industrial countries, produces almost every one of the different articles of industry and trade. The work is partly given to contractors, who are entirely dependent on the administration of the penitentiary, and is partly managed by the latter itself on its own account. The system of giving the work to contractors, who are in entire dependence on the administration, deserves preference, because the officers cannot be at the same time good tradesmen and good officers, and because the interest of the two would be opposed and conflicting. The profits of the prisoners' work covers from about one-third to one-half of all the prison expenses.

7. *Prison Officers.*—The officers of the penitentiary are appointed by the ministry of the interior, according to the law of the civil service. Part of the officers are employed on trial, and are liable to dismissal. Political influence does not enter into consideration. The qualification of the officers is on the average good. The duties of the officers are regulated by special instructions. Separate schools for training officers do not exist. Most of the superior officers undergo, before their definite appointment, a practical training in one of the penitentiaries. The inspectors are, with few exceptions, military men, and are carefully chosen by the director of the penitentiary from the class of well-tried corporals. The higher the duties to be fulfilled become, and the more carefully the system

of individual treatment is carried out, the more the knowledge of the duties approaches to science, and the more necessary are the studies of pedagogy and psychology, and the more it becomes absolutely necessary to make special studies, in order to assist in attaining the highest efficiency in the administration. Just as no teacher can now be chosen, as was the case in times past, from men of another calling, but must be a man who has received a thorough education in his special branch, so the officers of penal prisons will be required to have special training, and therefore in future special schools will be a necessity.

8. *Sanitary State of the Prisons.*—Owing to scientific and practical experience, prisoners have received, since 1851, conformably to a regulation regarding meals, sufficient and nourishing food. This regulation provides, daily, variety suited to the seasons and the promotion of health (*hygiène*). For dinners there are ninety, for breakfasts and suppers there are twenty-eight varieties of dishes. On principle such food is given to the prisoner as is required for the preservation of his life, health, and strength for work. The regulations for meals were revised and changed by the ministry of the interior March 31, 1866, and order food in conformity with the season, and increase the quantities of savoury ingredients. Requisite medical attention in every respect is given to the prisoners. The ventilation is arranged in a most perfect way, and in a simple manner. Drainage (in the special sense of the word) does not exist, but a system of sluices removes all the underground water. To cleanliness the most strict attention is paid, and rigorously insisted on in places of work, dormitories, water-closets, clothes and linen, and there is also a regular use of baths. The daily average of cases of illness is from 1 to 2 per cent.; the average of cases of death is in the year from 1 to 3 per cent.

9. *Reformatory Results.*—That reformation is one of the chief objects has already been stated. The prisoners are in general better when leaving the prison than they were when they entered it. The promises of the prisoners that they will live honestly are, in most cases, not mere empty phrases; and when some have failed in their purpose of amendment, the fault is mostly to be traced to existing general social evils. For successful warfare against them liberated prisoners are wanting in energy.

10. *Sentences*.—The practice of courts of justice of passing sentences of short duration of imprisonment for slight offences, and of repeating them in case of relapse, does not exist, because the penal law of the German Empire, even for theft a third time, orders imprisonment in a penitentiary, provided there are no extenuating circumstances. What effect this practice will have in regard to increase or decrease of crimes is yet problematical, and requires further satisfactory experience.

11. *Causes of Criminality*.—Crimes and offences against the rights of property are by far the majority. The motives leading to the commission of them are to be looked for in sensuality, unwillingness to work, and social evils caused by the density of the population. Saxony is at present the most densely populated country, having within 272 German square miles above two and a half millions of inhabitants, or more strictly 398 inhabitants upon 1 square mile.

12. *Juvenile Reformatories*.—Saxony has had, for above a generation, two reformatories for the education and reformation of children of both sexes, besides one house of correction for young persons aged from sixteen to twenty years.

The industrial occupation in all these houses is agriculture, but mechanical occupation for the wants of the reformatory itself is not excluded. The admission of children takes place mostly at the request of their relations, of societies, or police authorities, who are asked to contribute a small sum of money. Children up to twelve years, and young persons up to eighteen years of age, in case of their having acted without discernment, are placed under this reformatory treatment. According to age, school-instruction, and occupation in the field, garden, and domestic work, are the means of education. At a proper time, those promoted for good conduct are first sent into agricultural or domestic service, or to tradesmen, under proper supervision by the authorities of the reformatory. Conditional liberation must, as a rule, precede complete freedom. Well-disposed inmates of the reformatory of the age of less than twelve years are sent to board in carefully-chosen families, the reformatory paying for the board. Even these have to undergo a period of conditional liberation before attaining full freedom. The term of probation for children is at

least two years, that of young people one year. The results obtained in these reformatories since 1856, have shown that such as were liberated after a probationary period, and who on account of relapse were sent again into the penitentiary, amounted to only 7 per cent. Reformatories and houses of safety (asylums), established and supported by societies or by associations, endeavour to reform neglected children by giving them domestic discipline, and separate or public schooling. They mostly keep the children till they are fourteen years of age. Unmanageable children are sent for further education to the above-mentioned State reformatories. The average number admitted in the State reformatory amounted, in the year 1871, to 345 children, and to 31 young persons. Both these numbers are included in the sum stated above under 1. The number of inmates in asylums, etc., during the year 1871, has not yet been stated; but it may be estimated to be about 200.

WURTEMBERG.

1. The economic and correctional administration of all prisons is controlled by a central authority, which also exercises supervision over district prisons for preliminary detention, for those sentenced to minor punishments and to arrest. The central authority is subordinate to the minister of justice. It is composed of members of the departments of justice, of the interior, and of finance; it has likewise attached to it some skilled ecclesiastical members, a doctor, an architect, and a merchant.

2. Since January 1, 1872, the penal code of the German Empire has been in operation in Wurtemberg. The punishments inflicted by this new code, and by anterior laws, are undergone in (1) Prisons of reclusion: one at Stuttgart, exclusively for men; one at Gotteszell, for the two sexes; one at Ludwigsburg, exclusively for men; and one at Heilbronn, for women. Those sentenced to reclusion by the new law, and to reclusion with hard labour by the old law, are placed in these prisons. (2) Country prisons (*les prisons du pays*) at Halle and Rottenburg for men, and at Heilbronn for women. In these prisons sentences not exceeding four weeks are undergone. (3) Fortresses. Imprisonment in a fortress is suffered at the fortress of Hohenasperg. (4) Prisons for minors. Youths who

are sentenced are imprisoned at Halle. (5) District prisons (*prisons d'arrondissement*) for the punishment of those whose sentences do not exceed four weeks, or who are under arrest.

3 and 4. A scheme of prison reform on the cellular principle has been prepared for ten or twenty years, but various obstacles have prevented its adoption. In 1865 a law was passed for the introduction of the cellular system, at first, into prisons for women. The cellular prison of Heilbronn was, therefore, erected. It will probably be occupied this year. The law of 1865 having been replaced by the penal code of the German Empire, the prison at Heilbronn will be used exclusively for men. At present our prisons are still conducted on the collective system. Places for isolated detention are found in all the prisons: they are used partly for the separation of the prisoners at night, and partly for their isolation for disciplinary and correctional reasons.

5. The expense of maintaining the prisons, so far as it is not defrayed by the industrial labour and payments of the prisoners, is borne by the State, which, on the average, contributes about 35 per cent. of the total expense of prisons: the remaining 65 per cent. is derived from the income of the prisons themselves, but the prisoners' payments form only a small part of the amount.

6 to 9. The directors and the chief officers of the administration are appointed by the King, on the nomination of the minister of justice, who first consults the commissioners for prisons. These appointments are generally for life. The subordinate officers are appointed by the commissioners for prisons. The directors and superior officers have all the rights which legally belong to the officials of the State, particularly such rights as refer to pensions. When the inferior prison officers become, from no fault of their own, incapable of discharging their duties, they are discharged with a gratuity, or they receive a pension. There are no special schools for the education of prison officers. The directors are usually men who have acted as magistrates, and have been formerly engaged in judicial duties, although ability to act as a judge is not indispensable for gaining the office of a director. The warders are mostly non-commissioned officers who have left the army.

10. See reply to question 2.

11. The prisoners are classified according to their conduct. Their class is shown by distinctive marks on their dress. The class of a prisoner is taken into consideration before he is appointed to any office of trust. The distribution of the prisoners in the rooms (*localités*) depends on their class. In reality, however, little value is set on this division into classes.

12. Since the introduction of the code of the German Empire, probationary liberation has been extended to those who were sentenced in accordance with the old law. Moreover, when there is a question of a prisoner's pardon, his conduct is especially taken into consideration.

13. Industrious prisoners receive for their application and good conduct a part of their earnings: this part is fixed by the administration at one-fourth: but if they earn above eight kreuzers per day, they only get two kreuzers.

14. Prisoners who are distinguished for good conduct, are encouraged by being placed in a higher class; by receiving more agreeable and more profitable employment; by being allowed more frequent communication with their friends, and more liberty to make purchases out of their earnings, and by being recommended for pardon.

15 to 17. The chief disciplinary punishments are: restricted communication with their relatives and friends; withdrawal or diminution of the part of their earnings usually granted to them; diminution of food; isolated imprisonment; imprisonment in a dark cell. In prisons for reclusion irons are also applied; corporal punishment is excluded. An exact register of punishments is kept.

18 to 20. In all the prisons there are Protestant and Catholic chaplains. Their duties are to hold divine service on Sunday and on festival days, to give once a week religious instruction to the prisoners of their respective creeds, and general pastoral counsel on all suitable occasions. For prisoners of the Jewish denomination there is similar provision for religious instruction. The labours of the chaplains are undoubtedly most valuable and beneficial in their results.

21. There is no arrangement for such labours in the kingdom of Wurtemberg.

22 to 27. Prisoners are allowed, under certain regulations, to

receive visits from their relatives and friends, and to correspond with them.

The number of such visits, and the extent of the correspondence, are fixed by the administration of the prison, which can, on suitable occasions, and as a reward for good conduct, allow more frequent and more prolonged visits, and the interchange of a greater number of letters. The letters are all examined by an officer, and those containing anything immoral or prohibited by the regulations, are retained. The director or some officer is present at all visits and has the right of listening to the conversation.

28 to 31. Prisoners unable to write on their admission form a rare exception. Out of 1,317 prisoners present June 30, 1871, 1 could neither read nor write; 8 could read and not write. All the prisons have schools for the prisoners' instruction. They must attend school till 30 years of age; prisoners above that age who desire school instruction, are allowed to attend. The prison schools are as efficient as good primary schools. The branches of instruction are: reading, writing, and arithmetic, moral and sacred history, geography, history of the kingdom, and in some prisons drawing. Those sentenced to short imprisonments have their former knowledge recalled and fixed more firmly in their minds; those suffering long imprisonment have it extended, and thus get a higher education. Attentive and diligent prisoners are very pleased to take part in the instruction.

32. In all the prisons there are libraries: the books are religious, instructive, or entertaining.

33. (Omitted).

34. The prisons are provided with a good system of sewerage.

35. Water for drinking and for domestic purposes is found in all the prisons, in sufficient quantity and of good quality.

36 to 38. Prisoners are compelled always to keep their bodies, garments, beds, work-rooms, dormitories, and other places, clean. They have every morning to wash their faces, hands, and teeth, to comb their hair, make their beds, sweep the rooms, and empty and clean all vessels. The men are shaved, and have their hair and nails cut as often as necessary. They frequently take baths. Care is also taken to ventilate and sweep every place in the prison.

39. The arrangements for the water-closets vary with the construction of the different prisons. Even the ordinary water-closets are supplied with a ventilating apparatus for removing the bad air, and they are carefully disinfected.

40. Most of the prisons are lighted with gas; in some, petroleum is used. The corridors and dormitories are lighted during the night.

41. There are only two prisons which are furnished with a central heating apparatus: the others are warmed by cast-iron stoves.

42 and 43. Every prisoner has a separate bedstead made of iron or wood. The bed consists of a mattress and bolster filled with straw, two sheets, one blanket for summer and two in winter. In prisons of reclusion, the prisoners whose health requires the indulgence, may have their own beds; in country prisons there is no restriction on their having them.

44. In prisons of reclusion the working hours are eleven; in country prisons, eight. In prisons of reclusion the prisoners rise at 4.45 A.M. in summer, at 5.30 in winter; they go to bed at 7.30 in summer, and at 8 in winter. To give them opportunity of recreation in the open air, an interval of three-quarters of an hour is allowed in summer, and of half an hour in winter.

45 to 48. There are infirmaries furnished with everything necessary for the sick in all the prisons. The surgeon decides on the admission of prisoners to the infirmary. He has full care and management of it, and is assisted by male and female infirmary attendants. The food, clothing, and bedding of those ill, are regulated according to his direction. Prisoners who are only slightly indisposed are not removed to the infirmary. Those affected in mind are sent to a lunatic asylum. The proportional number of sick in the infirmary during the last ten years, in all the prisons, was 35 to 46 in 1,000 prisoners. The death-rate was between 16 and 27 per 1,000. In some prisons the death-rate was only 12 per 1,000. The diseases are the same as those prevailing among the free population. Last year 12 (that is, 94 per 1,000 of the total number of prisoners) died from tubercular consumption; in 34 cases of death that year there were also 4 from dropsy, 4 from typhus fever, 2 from inflammation of the brain, 2 from disorders of organs in the cavity of the chest, and 2 from

apoplexy. Scurvy is of rare occurrence ; last year there were only 3 cases under treatment. There were 5 cases of mental disease last year.

49 to 52. There is no distinction between penal and industrial labour. Besides the necessary work for the prisoners themselves, as cooking (in some prisons also baking), building, gardening, washing, the principal industrial occupations are, for men, manufacture of linen and cotton fabrics, tailoring, shoemaking, manufacture of gilt curtain-rods, joinery, wood-carving, manufacture of boxes and other wooden articles, binding, manufacture of card-board boxes, of travelling-bags and cases, smith-work, labouring, and painting; for women, sewing, knitting, making woven shoes, cigars, gold-polishing, making paper-bags, and washing and laundry work. The industrial work is partly done for the establishment, or the prisoners are employed by manufacturers, who pay a certain sum per day or per piece of work, which is stated in the contract. Whether preference should be given to the system of working for the establishment or for contractors depends on the nature of the work. The system of letting out the entire work of the prisoners to contractors does not exist in Wurtemberg.

53 to 58. More than half the prisoners admitted into the prisons have a knowledge of some trade that is practised in the towns. In giving an occupation to a prisoner, regard is paid as far as possible to his previous trade; he gets similar work, or at his own request he is taught some trade which is practised in the prison.

59 to 61. In the statistical tables those are reckoned recidivists who have already undergone previous imprisonment, detention in a fortress, or a more severe sentence for a similar or different offence. Out of the total number of those sentenced in the last four years, 37, 34, 36, and 35 per cent. were recidivists in the sense just explained.

62. There is no imprisonment for debt in Wurtemberg.

63. (Omitted.)

64. The number of women in prison on an average is 20 per cent. of the total number of prisoners.

65 and 66. The primary object of our prisons is punishment; but although their principal aim cannot be designated the

moral reformation of the prisoners, yet the punishment is so administered, and the prisons are so organized, as to lead to the prisoners' moral improvement.

67 and 68. Since the year 1831 there has been a patronage society for liberated prisoners : it promotes their civil and moral improvement, and is managed by a central committee. Various allied societies exist in the different districts of the kingdom. The Patronage Society has 3,000 members. It endeavours to secure its objects by obtaining domestic service or professional work for liberated prisoners, and by supplying them with money for the purchase of tools, raw materials for manufacture, clothes, and bedding, or to pay their passage as emigrants.

With regard to youthful prisoners special care is taken to apprentice them, or to place them in asylums which exist in the kingdom for the reception of youths who have fallen into crime or have been neglected. An asylum has been more recently founded for girls of a more advanced age. It also receives liberated young women. In accordance with established regulations, it is the duty of commercial and State authorities to counsel and aid liberated prisoners.

69. The food of the prisoners provided by the administration in the different prisons, is good in quality and sufficient in quantity.

Stuttgart, April 10, 1872.

ITALY.¹

1. *The Prison System.*—GENTLEMEN,—Not one amongst you is ignorant of the momentous events which have combined, during the last few years, to complete the Unity of Italy. The various provinces of our peninsula, for long centuries divided into so many states, and now united under the dominion of the glorious banner of the House of Savoy, necessarily brought with them to the common cause each its own laws, institutions, and traditions; it is, therefore, not to be wondered at if there be found amongst us a wide diversity in penal legislation, and, consequently, great variety in the punishments adopted and in the mode of carrying them out. Thus: the law of the Tuscan provinces had abolished capital punishment since 1859; the Neapolitan and Sicilian legislation inflicted this sentence in twenty-two cases; in other provinces of the kingdom capital punishment was decreed in twenty-seven cases. Again, the Tuscan provinces had adopted the system of continual isolation; others preferred and were adopting the Auburn system. In some provinces fetters were in use both for males and females sentenced to a long imprisonment; in others they were entirely abolished. In some provinces, only those convicts sentenced to the heavier punishments were admitted into the *Bagnio*, whereas in others these establishments served as prisons also to those sentenced only for a few years; in others, again, they were entirely proscribed. Nor could these diversities in the penal code, and the great varieties in the method of incarceration be at once done away with, having their origin in the peculiar character of each code of penal laws; but our Government is directing its efforts to the reformation and complete uniformity of its penal legislation.

To serve the purposes of detention before trial, we have the central or chief prison of the province (*carceri centrali*) and the district prisons (*circondariali*), as also the communal jails

¹ The response of Italy is given in the form of an address to the Congress, by the Director-General of the Italian prisons, Signor Cardon. The editor has thought it convenient not to vary this form, although as a fact the subject is treated under the same heads (suggested by the American committee) as the United States, Saxony, and other countries.

(*mandamentali*)—all so classified as to be within the jurisdiction of a Corte di Appello or a 'prefecture,' in the chief town of a province, or in a Mandamento. For penal detention we have six establishments for those sentenced to confinement, detention, or custody; three for those sentenced to relegation eleven for those to reclusion or public work; twenty-one for those sentenced to hard labour for a time or for life, to the Ergastolo or Galera.

The gaols and prisons as varying in their system of imprisonment may thus be classified:—Two on the system of continued isolation, two on the system partly of continued isolation and the Auburn system, five on the Auburn system, two partly on the Auburn system, partly on the system of community, forty-five on the community system. We have, moreover, two agricultural colonies and a penal establishment for invalids.

Those above are for the adults. For minors we have four houses of correction set apart for juvenile convicts, and thirty-one establishments for compulsory detention (reformatories) for idlers, vagabonds, and youths admitted by paternal request for correction. In the latter establishments are also received juvenile offenders before trial, to withdraw them from the injurious influences which would be brought to bear upon them if detained in a jail, for however short a time.

The Central Administration, convinced of the great need and utility of the subject, is now considering the best means for establishing a hospital for lunatic convicts, and instituting a species of nautical reformatory for the detention of juvenile delinquents from the maritime provinces. In 1871 the average of the inmates of the gaols was 45,082; that of the penitentiaries, 10,738; that of the bagnios, 15,148; that of the juvenile institutions in all, 573. It should, however, be observed that the number in the gaols includes those awaiting trial, as also a number of those who, already sentenced, remain in them until such time as it be found opportune to transfer them to their ultimate destination; also those sentenced to one year or less, and who work out their time in the same prisons.

According to our more recent judicial statistics, the total number of condemned prisoners amounted in 1869 to 72,247, of whom 488 were for life; 5,561 to relegation, reclusion, etc.; 36,663 to a term of imprisonment under five years; 29,535 to

term under three months. Judging, however, from the number of legal requests for consignment to penitentiaries, the number of culprits sentenced to a term of imprisonment exceeding twelve months in 1871 was 5,324, of which number 228 were sentenced to hard labour for life, 1,018 to hard labour for a term, 2,202 to reclusion, and 1,571 to confinement. With us the same regulations are in force in the male and female prisons. The female convicts are subjected to the same discipline as the males. To this rule there is but one exception—that of the female penitentiary of Turin, where, by the advice of the sanitary staff, on account of the rather large number of deaths which occurred, the food provided is of a somewhat better order. Here too the inmates are allowed to speak during the hours of exercise. These two ameliorations have apparently improved the sanitary condition of the prisoners. The medium duration of preventive detention for those awaiting their trial is about three months.

The expenses for constructing preventive or penitentiary jails are drawn from the sums set aside for the purpose in the yearly balance of the Home Office. The Mandamenti alone are required to provide their own gaols, but only so far as regards the buildings, the Government providing for the maintenance of the delinquents. By the law passed on January 28, 1864, it was decreed that we should put into force in our houses of detention the system of continued isolation. On this basis the gaols of Turin, Sassari, and Perugia have been built. The Milan gaol is being erected, and we are studying plans for Naples, Genoa, Piacenza, Rome, Varese, etc., etc.

We cannot say as much about the regulations to be introduced into our penitentiaries, but this question will be decided when the new penal code now preparing shall have received sanction.

2. General Administration.—The whole of the detention and penitentiary administration of the prisons, whether as regards the buildings, regulations, officers, discipline, or supervision of the whole, is superintended by one central authority, which forms the General Prison Board (*Direzione Generale delle Carceri*), and depends on the Home Office. This board is composed of the director-general, four inspectors, and three departments: one entrusted with the supervision of the admin-

istrative, sanitary and religious officers and gaolers; another attending to the financial department, and the third regulating whatever refers to the construction of the buildings and the wants of the prisoners. Besides this, there is an office of statistics, a technical officer of engineers, and a copying-office, each of these having special *employés* and special work.

All these branches of prison administration are concentrated in the general-director, who in his turn regulates the service, seconded by the vote of a council of consultation on administration and discipline, composed of at least two central inspectors, and the director of that department to which is entrusted the special subject under discussion. Nor does it seem possible otherwise to direct an administration so vast, and one requiring as an indispensable rule the most perfect unison in thought and regulation, to carry into effect the principle that 'every citizen is equal in the eyes of the law.'

3. *Discipline*.—The end at which our prison administration aims is, so to direct punishment that, without allowing it to lose its necessary characteristic of deterrence, it shall also possess the other equally essential requisite of reforming the delinquent. Nothing therefore is omitted to obtain this desirable end, and while on the one hand it is instilled into the mind of the prisoner that he will be enabled, by good conduct, to ameliorate his condition; on the other, the end aimed at is to raise his sense of manly dignity, that he may not become a hypocrite. In the penitentiaries those who distinguish themselves by their good conduct enjoy special advantages, such as being entrusted with domestic work, being recommended to mercy, &c., &c.

In the Bagnios there is a system of a graduation of classes to which the prisoners ascend by merit or descend by bad conduct. Each class has its distinctive badge and special privileges. Those prisoners who have distinguished themselves by good conduct in the penitentiaries, and have worked out at least one half their term, are removed to the agricultural colonies of Pianosa and Gorgona.

The administration is at present occupied in the study of a plan for sending to the Island of Capraja (Tuscan Archipelago) those prisoners who have continued in their good conduct during their sojourn in the Islands of Pianosa and Gorgona.

The prisoners on reaching Capraja would enjoy a semi-liberty within the island without being quite free from certain disciplinary restraints.

The disciplinary system in the two classes of prisons now to be noticed, varying according to the nature of the sentences to be worked out in them, differs somewhat. In the penitentiaries the punishments in use are: admonitions, privations of food, solitary cells, fetters at the longest for twenty-four hours, solitary confinement for from one to six months; while in the Bagnios, besides admonitions, separate cells, and privation of food, there is also arrest with or without fetters, and the short-chain 'Banco di rigore,' &c.

The rewards, already noticed, are, in the penitentiaries: The appropriation for the benefit of the prisoner of a quota of the profits arising from his labour; a more generous diet; the privilege of a less interrupted family correspondence; the right of disposing of a portion of the funds accruing from his work; admission into the schools; domestic employment; and recommendation to mercy.

The rewards usual in the Bagnios are: Passing from a lower to a higher class; being made an overseer; exemption for a time from fetters; and for those alone who have reached the highest class, recommendation to mercy.

It is difficult to decide which class of convict punishment is most efficacious, the effect depending altogether on many individual circumstances. Solitary confinement generally reduces to order and quietness even the most obstinate, and this because the individual so punished is withdrawn from the over-excitement produced by the recurrence of the spectacle in which he is both actor and audience.

Corporal punishment is forbidden by the rules of our penitentiaries. By the regulations of 1826, flogging was the punishment assigned only to a few grave misdemeanors; but this regulation was modified in 1863, and since 1860 it has never been inflicted.

The local director has authority to inflict the minor punishments; for heavier ones it is necessary to have the approval of a special council; the offending prisoner must be heard, and an official report must be drawn up. The more serious cannot be inflicted without notice being previously given to the General

Central Direction. If a convict become guilty of an act judicable by the ordinary law, the magistrates proceed against him and award the fitting sentence, as though he were free.

On the other hand, for the protection of the prisoners, we have a visiting commission (especially for the houses of detention), an authorised direct correspondence between the prisoner, the minister, the director-general, the central inspector, and the magisterial authorities, as well as the inspection of the prisons by the local authorities, and by the central inspectors.

No special discipline can be applied to the incorrigible convicts; but, as they may be kept in solitary confinement for the space of six months, they become impotent to disturb the discipline of the establishment. The central administration, however, fully recognising the many benefits which would accrue from the plan, proposes to set apart a penitentiary where so stringent a discipline could be exercised as to render superfluous any extraordinary coercive measures, and therein to gather together those convicts who by craftiness, oftener than by open rebellion, encourage and prompt discontent in their fellow-prisoners, and foment that perpetual irritation which is so hurtful to the quiet, confidence, and subordination that are the primary elements towards the moral rehabilitation of prisoners.

4. *Religious and Moral Agencies.*—No one will deny that religion has an immense influence over man; but to exercise that influence it is necessary that religion should be sincere, and implanted in the heart, and it is in nowise to be confounded with superstition or prejudice. There is no doubt, therefore, that with those prisoners who have that innate religious sentiment, practical acts of piety, and the exhortations of the chaplains have weight; but with the remainder, though it be well that the ministers of religion should do all in their power to implant religious feeling, and though the administration neglects nothing which seems conducive to the same end, yet it does not consider *moral agencies* of minor importance, and the greatest of these the good example to be set before the delinquents by the behaviour of the directing officers and gaolers.

In some provinces there were voluntary or semi-official visitors, and Government still allows such; but the administration does not deem it expedient to pass an opinion as to their practical

usefulness so long as the commission for penitentiary reform is still deliberating on this important question.

5. *Secular Instruction*.—Our administration deems a secular and industrial education a principal agent for the reformation of offenders. Both are established on a broad scale, and to judge of the former (secular), it will suffice to compare the instruction possessed by those who enter and those who leave our penitentiaries. The illiterate amongst the former amount to 92 per cent. in the Bagnios, to 64 per cent. in the penitentiaries, and to 60 per cent. in the juvenile reformatories; whilst among the latter the illiterate are reduced to 73 per cent. in the first, to 46 per cent. in the second, and as to the last, to 12 per cent. in the houses of custody, and to 3 per cent. in the reformatories.

In each penitentiary there exists a school, to which is admitted the largest possible number of prisoners, the youngest and best conducted having the preference. In the houses of detention and the reformatories the school takes a wider range, as it admits all the inmates indiscriminately, and in these are specially taught drawing, vocal and instrumental music, agriculture, some foreign language, etc., and this with admirable results.

Every prison, whether for juveniles or adults, has a small library belonging to it, the formation of which specially occupies the attention of the Central Direction.

6. *Prison Labour*.—We seek to give the industrial education of our prisoners the turn which appears fitted for them, and which is most easily mastered.

In our penitentiary system there is no labour exclusively bearing a penal character; with us labour has no other aim than to overcome the natural propensity to idleness in the criminal, to accustom him to a life of activity and hardship, and to give him the means of obtaining an honourable livelihood when the absence of such means had caused him to become guilty.

The industrial arts mostly practised in our penitentiaries are those of the shoemaker, carpenter, blacksmith, and weaver, and in our Bagnios we make them agriculturists, labourers in the salt deposits, and workers of cotton, hemp, etc.

As a rule the produce of the work of our penal establishments until 1868 was appropriated by Government. The General Direction, however, desired to make the experiment of the system

of contracts, and now, out of 35, 11 are in the hands of private contractors. But the question which of these two systems is most suitable, is so complicated that the administration, as yet, does not feel itself competent to declare its preference, not having enough ground to go upon; but it is following up the subject, and has published and will continue to publish all the statistics it can impartially gather.

The criminals in the Bagnios also work, as a rule, for the Government either in some military dock or in improving the land annexed to the penal establishments. In some localities the prisoners are hired out by contract for public or private labour, the contractors paying a certain fixed sum per diem to the local administration.

In the houses of detention for youth, Government allows certain tradesmen the gratuitous labour of the juveniles, on condition, however, that they are set to work upon some art or trade which at a future time may serve them for a livelihood.

According to the last statistics every male inmate of a penitentiary where the profits of labour are appropriated by Government, costs the Treasury 0,77,41 francs, every female 0,68,81 francs each day, deducting however the profits of their labour and other sources of income, not including the direct outlays of the central administration, such as the expense of building, the salary of the officials, etc. In a penitentiary let out by contract, each criminal costs the State 0,61,97 francs per day; a criminal in the Bagnios, 0,60,00 francs. A youth in the house of custody, 0,68,47 francs, a girl, 0,79,26 francs. In the reformatories, a boy, 0,81,24 francs, a girl, 0,79,04 francs, but for the latter this includes all expenses.

The average duration of apprenticeship (*apprentissage*), in our penitentiaries is three months. The remuneration for convict labour as compared with free labour is one-fifth less. These wages are divided into two equal parts, one of which is appropriated by the State, the other belongs to the prisoner. In the penitentiaries worked by Government he is allowed to spend a quarter of his gain, and the remainder is set aside to form a reserved fund, against the time of his discharge. The later statistics show that the medium reserved fund of each discharged criminal amounts to 40 francs.

A short time ago several administration reforms were introduced into our Bagnios. By the old regulations, convict labour was paid at a somewhat lower rate than the bulk of free labour, but the contractors were allowed to give the prisoners a separate remuneration and more than the regulation diet. Having done away with this abuse as hurtful to discipline, to the interests of the convicts, and to those of the State Treasury, making the contractors pay a more equitable sum for the work, allowing the prisoners to spend four-tenths of their gains, and laying aside one-tenth for their reserved fund, there has been a sensible increase in the profits. Whilst the payment of labour during the first three months amounted to 175,979 francs, with a profit to the administration of 32,669 francs; by the new plan, during the first quarter of the year 1872, the payments amounted to 207,724 francs, with a profit to Government of 93,162 francs. As all our criminals must, according to law, be employed in occupations more or less laborious, but always useful and remunerative, the administration cannot exempt from labour any able-bodied person under any pretext whatever. The sentence of relegation above allows the prisoner the option of work. It is regulated in the same manner as the other establishments.

7. *Prison Officers*.—Our staff of gaolers is proposed by the local authorities, confirmed by a ministerial decree, and paid from the public treasury at a fixed rate. The staff of gaolers of the Mandamentali gaols alone, forms an exception to this rule, for it is proposed by the Giunta Communal, and paid by the Commune from the sum set apart for this purpose in the balance of its accounts. The obligatory term of service for gaolers is six years; in making choice of them no weight is given to their political opinions, but only to their probity and zeal. Up to last year these officials were sub-divided into three classes, namely, gaolers of the detention gaols, gaolers of the penitentiaries, and gaolers of the Bagnios. These two latter classes are now merged into one. The salaries of the simple gaolers of the detention prisons are from 660 francs to 750 francs. Those of the under (*sotto capi*) and head (*capi*) gaolers are from 800 francs to 1,200 francs. In the penitentiaries the salaries of the first-named are from 560 francs to 650 francs, and those of the second and third from 700 francs to 1,000 francs.

The reason of this difference is that in the former gaols the gaolers are only allowed one ration of bread, whereas in the latter they are provided with the whole of their food. According to the new rules of 1871, the promotions of class amongst the lower gaolers are regulated thus: one-half the number by merit, and one-half by seniority; amongst the head and under gaolers, two-thirds of their number by merit, and one-third by seniority. The promotions in rank are always made by merit.

The proportion of gaolers to the inmates of the gaols is:-- In the preventive gaols 5 per cent., in the penitentiaries 7 per cent., and in the Bagnios 8 per cent. The punishments which may be inflicted on the 'head' and 'under' gaolers, are: admonition, simple arrest, rigorous arrest, loss of rank, and loss of situation. For the gaolers, simple and rigorous arrest, lowering of class, and loss of situation.

In virtue of the rules in operation for regulating the choice of gaolers, preference must be given to those who have served in the army, but candidates for the office not being numerous enough to fill all the vacancies, only one portion of our gaolers is taken from the regular army. Considering of what great utility a staff of gaolers, not nominated indiscriminately, but chosen from a good stock and appointed with such conditions as to make the situation worth acceptance, is, to the prison administration, special negotiations have been entered into with the War Office to choose them from among the soldiers in reserve and not under arms, and from the second category, and to subject them during the years of service to such military discipline as is compatible with the penitentiary service. We have good hope that these negotiations will be satisfactorily concluded ere long, and this reform will solve one of the most important questions of prison administration.

But as a gaoler requires special gifts and knowledge added to uprightness and intelligence faithfully to fulfil his trust, the Administration has for some time been contemplating the idea of establishing preparatory schools, and is studying the best plan for their regulation.

8. *Sanitary State of the Prisons.*—The allowance of food in our gaols varies according to the different classes of prisons; in the houses of detention, where the inmate is allowed to procure his own diet, the ration allowed is one bowl of soup and

50 grammes of bread. In the penitentiaries the ration is 50 grammes of bread and two bowls of soup; in the Bagnios 50 grammes of bread and one bowl of soup, with the addition of a portion of meat once a fortnight.

But it should be noticed that the inmates of the penal establishments worked by contract and of the Bagnios, are allowed a fund from which to increase their diet as best they choose, whilst in the penitentiaries worked by Government the convict who within a month accomplishes a certain amount of work enjoys during the following month what is called the labourer's diet, and if he accomplish an extra quantity, he enjoys what is called the reward diet.

The labourer's diet is composed of the usual rations and an allowance of an extra dish of food; the reward diet adds to this an allowance of wine (*vin ordinaire*) three times a week.

In what concerns the system of ventilation, warming, &c., we provide as best we can in the older buildings which are unsuited to their present purpose; but in the new edifices we use the most recent appliances of science. The privies are made moveable or fixed according to the quantity of water necessary to prevent unhealthy effluvia; but when the first system is adopted the receptacles are made so as easily to be removed and to close hermetically, and the cesspools where they are emptied are built in the shape of towers, so that they may be isolated from the main building, and be exposed to the air on all sides.

Taking as a basis the year 1870, and as a starting-point of comparison the average population of our houses of detention, the mortality rises to 2.97 per cent. amongst the male, and 1.77 per cent. amongst the female inmates; in the penitentiaries to 5.09 per cent. amongst the male, and to 4.41 per cent. amongst the female prisoners; and in the Bagnios to 2.78 per cent. But, if we note the proportion as compared with the *entire* population of our prisons, that is, including those who are and those who have been inmates during the year, we find that the proportion of mortality reaches to 3.34 per cent. in the houses of detention, 3.44 per cent. in the penitentiaries, and 2.28 per cent. in the Bagnios.

The subject of mortality being the most difficult and perplexing question of our prison statistics, has induced the Italian

administration to consecrate to its study no small space in the works which it publishes, and it will therefore not be superfluous to observe that there is a notable difference on this point in our various gaols. In some we have little or no mortality, and amongst these we name, Gavi, Pianosa, Montesarchio, Porto-Empedocle, Ponza, Bergamo, Ambrogiana, and Trani.

On the influence of various diseases the administration has always seen fit to note the frequency of special cases, the relapses and the number of deaths they produce, not considering only one of these points sufficient data from which to draw useful inferences, and to make a stand against them if needful. Keeping in view precisely these distinctions, we are able to state that in the last three months the diseases most common, or returning most frequently were : in the Bagnios, fevers, and complaints of the lungs and of the nervous system ; in the penitentiaries, complaints of the lungs, and of the organs of sense. The most fatal diseases, or those oftenest resulting in death, in the Bagnios as well as in the penitentiaries, were complaints of the lungs, of the lymphatic glandular system, and of the vessels of the heart. The most tenacious, or those needing the longest treatment, in the Bagnios as well as in the penitentiaries, were complaints of the lymphatic glandular system, and complaints of the bones and articulations.

9. *Reformatory Results.*—Though it be an easy task to the administration of the Italian prisons to expose the rules by which this service is regulated, and though it finds no difficulty in furnishing the data and statistics which relate to the carrying out of penal sentences, yet it finds it an arduous task to decide the question whether its penitentiary system answers the end of reforming the criminal, and whether on discharge a prisoner is morally better or worse.

If we take into consideration the privations and sufferings to which the criminals are subjected, the teaching they receive, the money which they carry away with them at the expiration of their sentence, and, above all, the expressed opinion of the directors of our penal establishments, we may suppose that our prison discipline is really efficacious to recall to the right path many who had deviated from it ; the more so, that the number of relapses into crime, as gathered from the judiciary statistics of 1869, scarcely reaches 18 per cent. on the whole body of

criminals ; and in 1871, 28 per cent. on the criminals sentenced to a term beyond twelve months, as is shown by the registers existing in the office of the General Prison Direction. However, when it comes to speak on the effects of a penitentiary system, the administration believes itself justified in abstaining from a categorical answer, because it cannot be said that there exists in Italy a real penitentiary system, and to compare the effects of all the systems which are now in use, as I have had occasion to observe, would necessitate a long and difficult study. Moreover, it would be necessary to make many researches relative to discharged criminals—researches which would lead us off the line to which we at present limit the action of the General Prison Direction. The only means we have of noting re-convictions, is the ‘*casellaro giudiziario* ;’ but it is but a few years that it has been instituted in Italy, and it cannot, therefore, as yet, give all the results which may be expected from it. For information relating to preceding years, we have the registers of the provincial tribunals, and the prison administration receives from them information about every criminal sentenced to a term exceeding twelve months, and for whom a consignment to some penitentiary is requested. On these criminals the proportion of re-convictions, as has been said, is 28 per cent. ; that is, on those sentenced to the Bagnios 23 per cent., on those sentenced to the penitentiaries 30 per cent. for the male, and 18 per cent. for the female delinquents.

Concerning the number of convictions, a most important fact may be gathered from the registered statistics of the administration relative to the time elapsing between the discharge and the committal of fresh crime. From these we find that of those sentenced to the Bagnios 27 per cent. relapse within the first year ; 16 per cent. within the first two years, and 57 per cent. beyond that space of time. The re-convictions of those sentenced to the penitentiaries are 37 per cent. within the first year, 19 per cent. within two years, and 44 per cent. beyond that lapse of time ; and amongst the females, 46 per cent. within the first year, 16 per cent. within two years, and 38 per cent. beyond that time.

10. *Sentences*.—According to the laws of our country, the ‘*pretori*,’ (or *mandamentali* magistrates) may award a sentence not exceeding three months. The tribunals which judge crimes.

of a graver nature can award a sentence of imprisonment from six days to five years; but the judicial statistics keep no account if the same person be repeatedly condemned for infraction of laws—‘*contravenzioni*’—as the penal code in operation does not recognise as crime a simple transgression, and therefore does not consider a second infraction of the law a relapse.

The cases of escape in 1870, which is the last year of which account has been given in our official publication, were 238 from the houses of detention, two from the penitentiaries, and eleven from the *Bagnios*. But as to the first of these, it should be observed that their number amounts to about 2,000, and that the ‘*mandamentali*’ prisons, often situated in insecure localities, and often entrusted to a single gaoler, do not present all the safeguards which would be desirable. In order to form to itself an exact conception of this most serious fact, the administration, ever since the commencement of 1870, has established special statistical registers, and it refers all those who desire to have fuller information on this point, to its later publications.

In regard to regulations, we have in vigour two different systems of legislation: that of the Sardinian States—which has been extended to the other provinces of the kingdom since their annexation—and the legislation of Tuscany.

By the former, the prisoner who escapes by breaking through bars or walls or by using violence, is sentenced to imprisonment for a term of from six to twelve months, or to separate confinement if he has used weapons. As to the gaolers, a distinction is made between connivance and negligence. In the first case, they are punished according to the gravity of the accusation brought against them, or of the sentence which hung over the escaped prisoner; while in the latter, they are punished with imprisonment, according to the gravity of this same act of neglect.

By the Tuscan legislation the prisoner who escapes by breaking through bars or walls is punished with from two to eighteen months’ imprisonment; and if accompanied by violence, with imprisonment or separate confinement, according to the gravity of the evil which he has caused. The gaolers are always punished with imprisonment for from two months to two years. Bearing in view the importance of this question, the Italian

Prison Reform Commission has thought fit to make it the subject of an especial study.

11. *Kinds and Causes of Criminality*.—Following up the results shown by the statistical registers of the General Direction, and treating of those criminals sentenced to a term exceeding twelve months, we find that the crimes in the greatest majority in 1871 were those committed against persons and against property. The first bear the proportion of 46 per cent. of those sentenced to the Bagnios, of 35 per cent. of those sentenced to the penitentiaries, and of 28 per cent. of female criminals. The second instead are in proportion of 30 per cent. of the inmates of the Bagnios, 47 per cent. of those of the penitentiaries, and 53 per cent. of the number of female convicts in general.

As to the proposal for the classification of crimes, the administration calls the attention of those interested in disciplinary statistics to the classification which it has compiled in its last publication, and which possibly is not without interest. The most common incentives to crime were:—Cupidity (48 per cent. of the inmates of the Bagnios, 51 per cent. of those of the penitentiaries, and 59 per cent. of the female convicts in general). Revenge (15 per cent. in the Bagnios). Anger (15 per cent. of the criminals of the penitentiaries). Unlawful passion (7 per cent. of the number of female prisoners in general).

12. *Juvenile Reformatories*.—As was previously stated, the number of reformatories in Italy is 33, of which 23 are for boys and 9 for girls. They are rather of an educative than a penal nature, and their character is an entirely private one, as they have been instituted either by individual benevolence or by charitable associations. Government makes use of them for those juveniles who fall under the censure of police law ('*pubblica sicurezza*') for idleness or vagrancy; also for the detention of those who are placed in them for correction by paternal authority. Of these establishments, twenty-five are industrial, and six agricultural. Their discipline not being as severe as that in the houses of custody, Government makes use of them also as a reward, gathering into them those juvenile offenders who, having been overtaken by penal law, have behaved particularly well.

Detention in the reformatories for correction by paternal

desire having been mentioned, it is well to add that by the 222nd article of our civil code, a father has the power of placing his son in a house of correction and of keeping him there until he reach his majority. For this purpose he need only present himself before the president of the civil tribunal, whose duty it is to provide him with the order requested, and by virtue of this order the minor can be conducted to the institution to which he is destined, and from which his father can, without any formalities, withdraw him whenever he so pleases.

The questions arising from this state of things being many and serious, the Central Administration thought itself called upon to draw the attention of the Italian Penitentiary Reform Commission to the subject, and it is persuaded that the difficulties will be completely solved.

The number of juveniles sheltered in the reformatories in 1870, was 2,268, of whom 1,895 were boys and 373 girls. The total number of their inmates on December 31 of the same year, was 2,465, of whom 2,066 were boys and 399 girls, thus classified :—For idleness and vagrancy : boys, 1,931 ; girls, 399. As paternal discipline : boys, 135 ; girls, 0. Parents are under no obligation to provide for the maintenance of a child who is confined in a reformatory for idleness or vagrancy ; but when a father places him in one of these establishments for correction the State charges him 1*f.* (10*d.*) per day. He is, however, exonerated in part or entirely from this charge if he can prove himself indigent, so that the expenses in these establishments exceed the income.

Concluding this rapid sketch, the administration presumes to hope that it has followed the line traced out by the programme, and kept within the narrow limits conceded to it. It presents its salutations to the world-wide gathering which meets to study the difficult problem of the repression of crime, and expresses its hearty desire that a continued and cordial correspondence should be established between, at least, those prison administrations which have responded to the call, as between members of one and the same family.

The Director-General of Prisons,

F. CARDON.

Rome, June 1872.

MEXICO.

1. The prisons are in each municipality under the care of a commission, under the inspection of the Governors of the States, and in Mexico, in particular, under that of the Governor of the District and of the Home Secretary (*Ministro de Gobernacion*).

2. In the capital there are two prisons, one for those simply detained, and the other for adult prisoners who are to be tried, or have already been sentenced. As to young children who are condemned to a term of imprisonment, they are placed in the establishment called 'Hospicio de Pobres.'

For the punishment of children above nine but under eighteen, who have wilfully transgressed, there is a special establishment where, at the same time, they receive an elementary religious education, and learn a trade. As to political offences, it has been taken into consideration that, if they in some cases proceed from unruly passions, they may in some others be the result of errors of opinion and yet of good intentions. For this reason the offenders of this class are not placed on the same level as the real criminals, but are simply confined in a prison used only for this object.

3. The system hitherto adopted in the Federal District and in those States which have come under the notice of the Commission, is that of associated prisons.

4. The results of the system to which the previous answer refers have been very sad, and though the Commission has been unable to obtain on this point any statistical and official data, it can from its own experience state with certainty that in general the offenders have left the prisons worse than they were when they entered them. This evil being well known, penitentiaries on the cellular system are in course of erection in the capital of Jalisco, in that of Durango, in that of Puebla, and in Mexico. Only one of these is at present finished. The Commission is in favour of the system of individual imprisonment, that is to say, for the constant separation of the prisoners; but it recommends that they should be allowed to communicate with other persons capable of instructing them in religion and morality. This is the system adopted in the new code.

5. Of the two parts comprised in this question, the first refers to a question of fact of which the Commission cannot yet speak with certainty. As to the second, it appears, that as far as the Federal District and Lower California are concerned, the prisoners contribute from 40 to 50 per cent. out of the proceeds of their work, towards the expenses and improvement of the prisons.

6 and 7. This question referring also to a matter of fact, the Commission cannot answer it for want of necessary data.

8. Schools for the education of prison officers do not exist in this Republic.

9. We lack the necessary data to answer this question.

10. Hard labour has been abolished by the new code, and between imprisonment and reclusion there is the following difference: Simple imprisonment is awarded to those above eighteen years of age who are guilty of misdemeanor. Reclusion is awarded to those criminals who have been mentioned in the answer to question 2. When the offender is insane, decrepit, or of tender age, he is placed in a hospital suited to his special circumstances.

11. See answer to question 2.

12. It is provided in the new code that offenders sentenced to ordinary imprisonment or to reclusion in an establishment of penal repression for two years or more, and who have uniformly behaved well during a period equal to half the time their confinement is to last, have the remaining period of imprisonment remitted conditionally. This is called preparatory liberty. Offenders can, by means of preparatory liberty, not only obtain a diminution of their punishment, but they can also receive a free pardon, if they have by their good conduct shown themselves worthy of it. Any punishment, of ordinary imprisonment, or of reclusion, in an establishment of penal repression, for two years or more, is to be converted into close confinement, in case the offender should have misbehaved himself during the second or third portion of his time.

13. All proceeds of the work of the prisoners is given to them if they have been condemned for political offences, or if they are detained for minor offences against the law; but in the case of those condemned for misdemeanor or felony to imprisonment or reclusion, they have 25 per cent. if the punish-

ment lasts more than five years, or 28 per cent. if the time is less. (Article 85 of the Code.) To these 25 and 28 per cent. 5 per cent. more is added when a criminal has obtained by his good conduct his preparatory liberty. Moreover, if he supports himself by his work out of the establishment, another 5 per cent. is added; and this may be increased until the allowance reaches 75 per cent. of the total amount. The advantage of this system is that prisoners are thus encouraged to support themselves out of their work, and that they maintain with free persons an intercourse which may be useful to them when they recover their liberty, to enable them to earn their livelihood without returning to a career of crime.

14. Besides the favours which have been enumerated in the answer to the twelfth question, prisoners can by their good conduct obtain others. They may enjoy, during the days and hours of rest, any amusement which the rules of the establishment permit. They may apply one-tenth of their reserve-fund to the purchase of any articles of furniture or comfort which the rules do not prohibit. The kind of work their sentence condemns them to perform may be commuted into one better suited to their education and habits.

15 to 17. These are unanswered.

18 and 19. There are not chaplains in all the prisons, nor ministers of all denominations; and when chaplains are appointed, these have no well-defined official duties to perform, except as far as their ecclesiastical functions are concerned, and their duty of course is always to advise and comfort the prisoner, and direct him towards reformation.

20. The Commission believe religion to be the most valuable means of reforming the prisoner.

21. On the days and during the hours allowed by the rules, the doors of the prison are open not only to the members of the protective boards, but also to all persons who, according to the judgment of the Council of Vigilance (*junta de vigilancia*), are capable of contributing to the moral improvement of the prisoners.

22. Sunday-schools exist in some prisons, in others not.

23. The favour of writing and receiving letters is generally limited. The Councils of Vigilance of the prisons, to which it

belongs to propose the reforms which it deems advisable, have the power to determine what rules are to be followed.

24. The results of this correspondence are not very satisfactory; and it would be desirable that prisoners could only correspond with those who can exert a beneficial influence upon them.

25 to 27. Formerly prisoners could be visited by all their friends; now only those persons are admitted who have leave of the Council of Vigilance, when they are believed by the members of that body capable of improving the moral condition of the prisoners by their advice and their example. In that case there is no necessity to employ anyone to listen to the conversations.

28. Nil.

29 to 31. Schools do not exist in all the prisons. When there are any, they are generally frequented by all prisoners who are sufficiently ignorant. The education imparted consists of the various branches of primary instruction, and of religious and moral teaching. The progress made is always satisfactory.

32. There are no libraries in our prisons.

33. Generally prisoners do not read much, as they belong for the greater part to the lower classes of society where education is seldom imparted. Many are not able to read.

34 to 48. We have grouped all these questions, although they comprise points very different from each other, as they refer to facts for which we have no sufficient data. It is unnecessary to warm the prisons artificially, on account of the mildness of our climate.

49. In Mexico there is no penal labour, neither does the Commission think it desirable that there should be any; because this does not contribute to the moral improvement of the prisoners, and because to render this kind of punishment effectual, it would often be necessary to use actual violence, which humiliates and degrades those who suffer it. On this is based article 80 of the Code, which prohibits the use of physical violence to compel prisoners to work; and ordains that in case of refusal on their part, they should be placed in absolute solitude for a space of time double that during which their refusal lasts — The Commission believes that in lieu of penal labour, the means mentioned by article 95 of the Code, can be applied by wa

of punishment with the best results ; viz., a fine ; privation of reading and writing ; diminution of the quantity of food ; increase of the hours of work, and of the work itself ; absolute reclusion with privation of tobacco.

50 to 56. Nil.

57. Contracts for prison labour are forbidden.

58. It is considered very important that during their confinement prisoners should learn some trade that may enable them to earn their livelihood, as the chief reason why they relapse into crime is that, after they have served their time, they do not find any work ; and the want of this reduces them to poverty, and leads them to commit fresh offences.

The means which the Penal Code has adopted to avoid this, are : First, to increase the percentage which is granted to prisoners out of the proceeds of their work when they support themselves out of the prison ; this has for its result that they acquire the habit of self-support, and also that they remain in constant intercourse with free people, which is of great use to them when they recover their liberty. Secondly, it has also been decided that the prisoners to whom preparatory liberty has been granted, are to be transferred six months before to another establishment designed for the purpose ; that during this period they are not to be separated from their fellow-prisoners ; and that if their conduct is good, they are to be allowed to go out to run errands or to seek work, until they are restored to liberty. And lastly it has been ordained that the members of the Protective Boards are to be visited by the offenders, after these have recovered their liberty, and are to procure them any honest work suited to their circumstances. This is provided for by articles 85, 86, and 136 of the Penal Code, and in the ordinance which Government has enacted in addition to article 24 of the transitory law ; all this without prejudice to the protection given to released prisoners by the various benevolent societies, which visit the gaols for the purpose of contributing to the moral regeneration of the criminals who are confined in them.

59. The Commission thinks that evil consequences result from the fact that imprisonment is inflicted for slight offences, even when the same person is not repeatedly committed,

especially when the offender is sent to an establishment where prisoners are kept together.

60. Nil.

61. Re-conviction receives the punishment which, the attenuating or aggravating circumstance of the case being considered, ought to be awarded to the offence itself, with an increase of one-sixth, if this is less than the former, of one-fourth if it is of the same gravity, and of one-third if it is greater. If the offender has been pardoned for a previous offence, and if it is not for the first time that he relapses into crime, the increase of punishment may be doubled.

62. Imprisonment for debt was abolished in our country as early as 1812 by the Spanish constitution. This abolition has been maintained by our various constitutions.

63. Among the most general causes of crime in our country, are want of education in the lower classes, abuse of intoxicating drinks, and poverty.

Among the temporary and transitory causes which occasion the crimes and offences committed in our country, the Commission thinks that the most active are the following: the prolongation of civil war; the pressing to obtain soldiers; the bad state of our prisons; the commotion created in the religious faith of society by the innovations made in ecclesiastical matters; the want of preventive police; and the bad administration of justice.

Though all our statesmen and philanthropists have of late become aware of the importance and convenience to the public of the establishment of a penitentiary system, the financial difficulties, the little stability of our governments, and the constant necessity in which we have been placed to defend our existence against the attempts of revolutionary bands, an object which has almost exclusively absorbed our attention, have until now prevented the realisation of this great social reform. Consequently, great criminals and petty offenders being indiscriminately mixed in our prisons, the contact, the bad conduct, and the example of the former, have exercised a baneful influence on the latter; and generally those who, having offended against the law, are sent to our prisons, and those who have remained some time in them, far from being reformed, leave the gaol considerably worse than when they

first pass under its gates. The improvement of our political state will also contribute to do away with, or at least to lessen, the bad effects of this cause; and the reform of our prisons, directed first of all to the total separation of prisoners, must be, according to public opinion, one of the first objects to which Government ought to devote its attention, so soon as we have put into practice the principle that administration cannot be reformed by any other means than the pacific action of the laws, and that in consequence people are no longer exclusively preoccupied with the care of their own preservation.

One of the distinctive characteristics of all the sects which are derived from Christianity is the close connection which this doctrine has with the principles of morality.

In paganism there were two orders of ideas independent in every point, so that the relations of the visible with the invisible world had nothing in common with innocence, crime, or the obligatory necessity of determined action. This intimate and close relation which all the Christian sects establish between their doctrines and human conscience, has had for its constant result that there have always been changes of opinion which have caused certain modifications in those moral precepts which were formerly recognised and respected by all. Although the ecclesiastical reforms made among us did not tend directly to introduce innovations in our faith, as this would have been in opposition to the tendencies of our age, yet the ecclesiastical institutions which have been modified have in the eyes of the ignorant public such a close connection with religious belief that many persons of this class could not see such innovations made without experiencing a kind of perturbation in the belief they had in the religious dogmas which they had previously professed, and in the moral precepts to which they formerly thought themselves compelled to subject their actions. This feeling has relaxed in many among the imperfectly educated classes of this country the principles of morality to which they thought before they were bound to submit themselves, and the result has been that these principles have been violated in many cases, and that at the same time an increase of crimes and offences has been noticed among these classes.

64. Women always much less in number than men.

65. Though the moral reform of criminals has been provided for, deterrence has been considered as the primary object.

66. They have so far left the prisons in a worse state, owing to the reasons given in the preceding answers; but the changes introduced by the Penal Code will necessarily contribute to the improvement of prisoners.

67 and 68. Referring to the Federal District—the only part of the republic on which we possess positive information—we have to say that committees of vigilance are being established, and to them, among others, belongs the duty of aiding discharged prisoners in finding work.

69. We have had already occasion to say that the penitentiary system is not yet established in our country. The efforts which have been made to establish it have so far been fruitless. But as there is among us an earnest desire to reform our prisoners, we have reason to hope for success.

THE NETHERLANDS.

1. All the prisons in the Netherlands are under the superior direction and control of the minister of justice, and the general inspection of the prisons has hitherto been made by an inspector, who has his deputy in the bureau of the department of justice. For the inspection of the buildings, an engineer-architect is attached to the same department. Further, according to the provisions of our code of criminal procedure (article 421), the courts and tribunals are required to cause the prisons to be inspected, from time to time, by members assigned to that duty, and the same obligation rests upon the attorneys-general, and upon the officers of justice (*procureurs du roi*). These latter are bound to make this inspection at least twice a year. The reports of all these inspections are addressed to the minister.

The administration of the several prisons is confided to administrative commissions, named in each locality where a prison exists. The members of these commissions are named by the king, from among the notables of the locality, who receive no salary. Whatever appertains to the local administration, to the internal service, to the discipline, and to the execution of the general and special regulations, is confided to these commissions,

or is done through their agency. They are in official relation with the minister, either directly or by the deputy of the royal commissioner (governor) of the province, their immediate superior and their honorary president.

2. There are four classes of prisons: The central prisons, for persons sentenced to more than eighteen months of imprisonment; the detention prisons, in the chief cities of the several provinces, for persons sentenced to eighteen months or less; houses of arrest, in the chief towns of the several *arrondissements*, for persons sentenced to three months or less; and police or cantonal prisons, in the chief places of the cantons, for persons sentenced to one month and under.

In some cantons these prisons are united together. Among the prisons there are several on the cellular plan. In the three last-named classes of prisons are also prisoners under arrest, and awaiting their trial.

3. The law has left it to the discretion of the judge to award either associated imprisonment or, when the circumstances of the offence or the character of the convict appear to him to require it, or he himself judges it useful, imprisonment on the cellular plan. This power, at first, in 1851, restricted to the case of a sentence to one year's imprisonment or less, was extended in 1864 to sentences of two years, and afterwards, in 1871, to sentences of four years. In no case, however, can the sentence to cellular imprisonment exceed the moiety of the duration of imprisonment in association, which may have been pronounced by the judge. The maximum of cellular imprisonment is therefore actually two years. To persons sentenced for a violation of police regulations cellular detention is not applicable.

4. To obtain decisive results—results of which a judgment may be formed with some degree of certainty on the relative merit of the two systems—it would be necessary that the application of the systems be made in a uniform and not an arbitrary manner, which would permit a fair comparison of the results obtained. Now this application is still made (see the description given under No. 3) in a manner very irregular and little harmonious. Consequently there yet exists a great difference of opinion on the question of preference, and above all, on the results obtained, and which might be obtained, by a judicious

application of the two systems. Still it may be said that the cellular system (in itself, and apart from the manner of applying it, and the limits which should be imposed upon it) scarcely encounters any adversaries; and for imprisonments of short duration the opinion which desires a universal application of this system is gaining ground. As regards imprisonments of long duration, public opinion is still too unsettled and too undecided to even permit a judgment of the direction which it will finally take.

5. The funds necessary for the maintenance of the prisons and the prisoners are placed, annually, on the budget of the kingdom. The product of the prisoners' labour contributes to them only in a proportion very inconsiderable, because only a part of it is retained for the State. This part is 60 per cent. for those sentenced to reclusion and military prisoners, 50 per cent. for other inmates of the central prisons, and 30 per cent. for those confined in other prisons.

6. As to the appointment of officers: The directors of the central prisons are named by the king; the other *employés* by the minister of justice. They hold their offices until they are displaced, dismissed, or retire from the service.

7. We hold it to be necessary that the directors and *employés* of the prisons be men of tried morality, intelligent, and gifted with tact, and with the knowledge necessary to inspire the respect of the prisoners, even without the use of a severe discipline. This respect depends principally upon the spirit of justice, equity, and humanity which they exhibit in their relations with the prisoners. In the directors, especially, there is needed a high degree of mental culture and an enlightened understanding of their duties—we might say, indeed, of their mission. A knowledge of the more important foreign languages is necessary, that they may be able to read and study the best writings on prison discipline, and to communicate with the foreign prisoners. Unhappily, we cannot affirm that the majority of the directors and *employés* of our prisons possess these talents and qualities, a fact which is due chiefly to the circumstance that the salaries are too low, and that the service of the prison officers is, in general, too onerous, and held in too little esteem. As a consequence, young men of good family and education refuse to enter upon this career.

8. There are no schools specially designed for the education of prison officers, and we do not regret it. The best school is a well-organised and well-governed prison, where are offered to the young *employés* the means of acquiring knowledge and developing their talents, by the reading and the study of the best writings on the subject of prisons.

9. The pensions accorded to the directors and *employés*, who have become incapacitated for the performance of their official duties, depend on their state of service and on the number of their years of service, according to the general rules established by law in regard to the pensions of all civil officers.

10. This question calls for a statement of the difference between sentences to simple imprisonment, to reclusion, and to hard labour.

Our penal laws recognise only reclusion and imprisonment (without reckoning imprisonment for a breach of public regulations), besides the punishment, for military offences, of the wheel-barrow and simple detention. Apart from the difference in the retention on the product of labour (*vide* No. 5) the treatment offers little variation, and the labour is the same. We endeavour to find for all some kind of useful and remunerative labour, and to teach a trade to all, at least, who are sentenced to an imprisonment of considerable duration.

11. As regards separating the prisoners into categories: In the central prisons, there is a classification which permits the separation of the more hardened and the more dangerous, as well as of the recidivists, from the other prisoners. The results of this separation may be regarded as favourable.

12. Agreeably to a royal decree of 1856, the administrative-commissions of the central prisons submit every year a proposition for pardons or remissions, to be granted to prisoners who have distinguished themselves by their good conduct. These propositions, however, include only persons who have been sentenced to more than three years, and who have undergone at least one-half of their punishment, and the remission does not exceed six months. Besides this, all prisoners have the ordinary resource of applying to the king for pardon or remission; and since, in general, a decision is made only after a report from the commission on the conduct of the prisoners, this conduct has, generally, a strong influence upon the decision.

13. The part of the product of labour not retained by the State (see No. 5) is given to the prisoner. Such part is not increased by reason of his good conduct.

14. No other rewards are given to prisoners besides this participation in their earnings. The distribution of premiums has been abolished for some time, and the industry of the prisoners finds its recompense in the increase of profits, which naturally result from zeal and capacity. Still, the re-establishment of premiums is under consideration.

15. The kinds and frequency of the violations of prison rules differ sensibly in different prisons, and often depend on the more or less intelligent administration of the chiefs and the *employés*. Insubordination and quarrels may be regarded as the most frequent infractions. Isolation by night, which is not yet generally introduced, has, in this respect, produced good fruits.

16 and 17. The disciplinary punishments in use are: Restriction to bread and water, withdrawal of the privilege of writing and receiving letters, privation of books, the dungeon, fetters; and, in the central prisons, isolation in a cell. All these punishments are recorded in a register, which is consulted in the cases mentioned in No. 12.

18 and 19. There are no special chaplains attached exclusively to any prison; but in all the central prisons, in all the houses of detention, and in the greater part of the houses of arrest, the office of chaplain and the religious services are confided to one of the ministers of each religion, who is named by the minister of justice. The duties of the chaplain consist in performing religious service on Sundays and feast-days, in making pastoral visits, and in imparting religious instruction.

20. Religious instruction, given with intelligence, is considered by us of great importance as an agency in the reformation of prisoners. In some prisons there has also been introduced the system of proverbs. This consists in hanging on the walls of the halls and cells pithy moral sentences, and in changing them from time to time. In the opinion of experienced persons, this plan deserves to be recommended for general use.

21. Persons of both sexes, outside the administration, are

admitted into the prisons to labour among the prisoners, with a view to their moral regeneration. In some cities there are private associations to visit the prisoners, organised by the general society for the moral amelioration of prisoners.

22. Sunday-schools have not been established in the prisons of the Netherlands.

23 and 24. The administration of each prison regulates the correspondence of the prisoners as it judges most expedient. There is no general rule upon the subject.

All the letters received for or written by the prisoners are subjected to the inspection of the directors, and are withheld when their contents are improper. There is, therefore, no ground to apprehend injurious effects, and, in general, the correspondence of the prisoners is attended with a beneficial influence.

25 to 27. The prisoners are permitted to receive the visits of their friends as often, generally, as once a month.

A grating separates the prisoner from his visitor, and an *employé* is always present to supervise the interview, which, as a general thing, may not exceed a quarter of an hour. They cannot converse privately. As in the case of the correspondence, it may be said that the general effect of these visits is good.

28. The percentage of prisoners able to read and write on their commitment varies from 62 to 65. The number of prisoners able to read, but unable to write, is not indicated in the official statistics.

29 to 31. Schools exist in all penal establishments, except in the police and cantonal prisons. In the cellular prisons the instruction is given in the cells. All prisoners up to the age of forty years, who do not know how to read and write, are obliged to receive that instruction.

The branches generally taught in these schools are reading, writing, and arithmetic. Yet the system of instruction still leaves much to be desired. In some of the central prisons important reforms have been already introduced; in others, they will speedily follow. In the two central prisons for juvenile prisoners, the system of instruction leaves nothing to be added.

32 and 33. There are libraries in all the prisons, which

include books on morals and religion, also histories, travels, &c. The books are specially classified according to the different religions. These libraries are designed exclusively for the prisoners, and not yet for the *employés*.

Most of the prisoners are very fond of reading, and they generally prefer books of history and, above all, of travels. Their reading has a happy effect upon them.

34. In some prisons the system of sewerage is still imperfect, but efforts are made to introduce reforms.

35. The quantity of water, designed for the use of the prisoners, is nowhere limited. Generally the quality is good, but in some localities it is difficult and expensive to procure it.

36. The prisons are mostly well ventilated, particularly the central prisons. Where improvements are still needed, means are employed to accomplish them.

37. Regarding the means employed to insure the cleanliness of the prisons: The interior domestic service is performed by the prisoners. Earnest endeavours are everywhere made to insure cleanliness, which is, for the most part, satisfactory, and is energetically supervised.

38. The personal cleanliness of the prisoners is assured by a vigilant attention to their dress and their persons, and by requiring them to bathe at stated periods.

39. The arrangement with regard to water-closets differs in different prisons. In a number of them the system of inodorous portable vessels has been introduced, with a reservoir outside the building. Preference is generally given to this system.

40. The prisons are commonly lighted by gas or petroleum. Lights are kept burning in the dormitories during the night.

41. The system of heating varies in different prisons. In some the heating is effected by hot water or steam, in others by stoves.

42 and 43. The prisoner's bed is made of straw; for the sick of sea-grass or sea-weed. Hammocks were formerly in very general use, but by degrees they have been replaced by open bedsteads.

The bed complete consists of a mattress and bolster, two sheets, and one coverlet of a coarse material, and one or two blankets, according to the temperature of the season.

44. There is no general rule regarding the distribution of time. The hours of labour (including those of school) are ten in summer and nine in winter; and of sleep, eight and a half in summer and nine in winter. The remainder of the time is at the disposal of the prisoner, for meals, rest, study, and reading; that is to say, five and a half hours in summer and six in winter.

45. A distinct part of the prison building serves as an infirmary. In the cellular prisons, cells of double dimensions are appropriated to the sick. The medical service is confided to a military surgeon wherever there is a garrison; to a civil physician in localities where there is no garrison. The entire service is under the inspector-general of the medical service of the army, and is performed in a highly satisfactory manner.

46. The most common diseases in the prisons, as outside, are diseases of the chest, especially phthisis.

47 and 48. The average of the sick and of deaths it is not easy to give. It differs much in different prisons, depending on local circumstances and the class or species of prison. The difference in the duration of punishments, which is by no means inconsiderable, exercises great influence on the proportionate number of the sick and of deaths. A comparison of the number of days of sickness and the number of deaths with the days of detention gives, during the period of 1861 to 1868, an aggregate annual average for 100 days of detention:—

In the central prisons, 8·14 days of sickness (varying from 6·35 to 12·57).

In the houses of detention, 6·07 days of sickness (varying from 4·47 to 7·74).

In the houses of arrest, 6·39 days of sickness (varying from 4·39 to 8·24).

During the same period the deaths were at a rate of an annual average:—

In the central prisons, one death to 8,225 days of detention (varying from 4,973 to 21,177).

In the houses of detention, one death to 17,896 days of detention (varying from 10,737 to 35,204).

In the houses of arrest, one death to 10,080 days of detention (varying from 11,899 to 380,052).

In the central prisons for juvenile prisoners, where the labour

is performed in the open air, the sanitary state is highly satisfactory.

49. The distinction between penal and industrial labour does not exist in this country. Penal labour is unknown. All the labour in the prisons of our country is industrial, with the exception of that of prisoners employed in the domestic or administrative service of the prisons. Agricultural labours are as yet pursued only in the two central prisons for juvenile delinquents.

50 to 52. Penal labour, as has just been stated, does not exist in the Netherlands.

53. Industrial labour is everywhere directed by the administration. It is performed in part on account of the Government, in part on account of contractors or individuals, and in some prisons the contractors are allowed to participate in the control of the supervision of the labour.

54. It is our belief that the system followed in our prisons deserves preference. Generally, we give the preference to labour performed on account of contractors or individuals, who offer a greater variety of handicrafts. But the labour done on account of the State has not the inconvenience of being sometimes interrupted by want of demand. We therefore judge that it is better to retain both systems.

55. Different systems of contracting for the labour do not exist here. The contractors furnish the raw material and pay the wages. Frequently they also furnish the necessary tools.

56. The percentage of prisoners not having a calling at the time of their commitment differs materially in the different prisons. One in four is perhaps the general average.

57, 58. We endeavour, as far as possible, to teach prisoners a trade, but in short imprisonments the thing is impossible.

We regard it as of the highest importance to impart to prisoners during their incarceration the power of self-help, and this result is diligently sought by teaching the prisoners, to the utmost extent possible, some useful calling.

59. We do not think that repeated sentences to short imprisonments produce any good effect upon the prisoner; but an equitable application of the penal law forbids the remedying of this evil by a long imprisonment for minor offences. Yet considerable progress would be made in the right direction by

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applying the cellular system to all imprisonments of a short duration.

60. In the absence of criminal registers (*casiers judiciaires*), a system devised by Bonneville de Marsangy, the statistics of recidivists are defective. The proportion given by our imperfect statistics for the general mass of prisons is 25 per cent.; and in the central prisons, 36 per cent.

61. According to our penal laws, a relapse may give occasion to an increase of the punishment in the ratio of one-third, when the first sentence was for more than a year's imprisonment; and in all cases it is a circumstance which may determine the judge to award the maximum of punishment allowed by the law.

62. Persons imprisoned for debt are placed in the houses of detention and of arrest, sometimes in the cantonal prisons. They are entered on a special register, and are not confounded with other prisoners. In the greater part of the prisons the best apartments are assigned to them, and a little better furniture. They do not wear the prison dress, unless, indeed, they have no other; and their food is of a better quality.

63. The causes of crime vary a good deal, according to the nature of the crime itself. The want of education, drunkenness, and the desire to make a figure beyond one's means and position, may generally be considered as the principal causes of crimes and misdemeanors. In the case of young prisoners, there may be mentioned, in addition, the influence, often pernicious, of a second marriage of their parents, which not unfrequently, by embittering the position of the children of the first marriage, deprives them of the salutary influence of family life.

64. The general proportion in which the sexes are represented in the prisons of the Netherlands is about twenty women to one hundred men; but this proportion varies, especially in different provinces.

65. The aim is to make the punishment, as far as possible, contribute to the reformation of the prisoners. But the application of this principle, in most of the prisons, leaves much to be desired.

66. Although it is very difficult to pronounce, with any degree of certainty, as regards the influence of imprisonment on

the great mass of prisoners, it cannot be said, in general, that they leave the prison worse than when they entered it, and numerous cases can be pointed out in which the instruction received in the prisons, the habit of labour formed, and the knowledge of a calling acquired there, have exerted a very happy influence upon the liberated prisoner.

67. In answer to the question whether efforts are made to aid liberated prisoners in finding work, and thus to prevent a relapse, we answer that, officially, such efforts are not made. But many directors of prisons take great pains to find work for the liberated, and generally they have cause to congratulate themselves on the result of their efforts. The greater part of the directors, however, are too indifferent to concern themselves about the matter.

Zeal in this direction is an indication of a good director.

68. The Netherlands Society for the Moral Amelioration of Prisoners has for its object not only the visiting of prisoners, but also the manifestation of an interest in their welfare after their discharge from prison. This society counts forty branches, scattered throughout the whole kingdom, and corresponding members in thirty-seven places where there are no branches. To some of the branch societies are attached committees of ladies. As regards the prisoners, a variety of methods is employed to encourage and help them. They procure places for them at service, place them in the merchant marine, supply them with tools, obtain for them some little industry or business, and provide them with the means of emigrating, etc. The results differ, as a matter of course; but it may be said, without exaggeration, that the society accomplishes much, and often sees its efforts crowned with success. Still, it can extend its activity only to a part of the liberated prisoners, and it is desirable that its benevolent operations should be conducted upon a larger scale. Some time ago certain philanthropists sought to secure the organization of a special patronage society for juvenile delinquents, but without success.

69. To the question, 'Are you satisfied with your prison system as at present organised and administered?' we cannot return an affirmative answer. The greatest defect in our prison system is, in our opinion, that there is no system, or, rather, that the two systems of associated and cellular imprisonment

are applied without any uniform rule, and without placing them in an harmonious relation to each other. Hence there is a pretty general agreement among us that a reform is necessary, and that it should have mainly two objects in view: a revision of our penal laws, which would introduce a more uniform and more harmonious system of imprisonment; and a serious effort to give greater dignity to the position of the directors and *employés*, and to open these offices to men of a higher education. Whatever differences of opinion may exist as regards the system to be followed (and they are great, since all the systems which divide *savans* find their partisans among us), on these two points there is a very general agreement.

NORWAY.

1. The supreme power of managing the 'Strafarbeidarsanstalts' (penal institutions, where the prisoners are compelled to labour), is vested in the royal department of justice; the general supervision of the 'district-prisons' is confided to the prefects (*amtmand*), subject, however, to the supervision and control of the above department as the highest administrative authority of justice. There is no director-general of prisons. Every prison has its local administration, which, in conformity with the rules prescribed by the chief administration, or with the special approbation of the same, makes the necessary arrangements with regard to prison treatment, economy, &c.

2. The prison system consists of:—A. 'Strafarbeidarsanstalts' with the following subdivisions: *a.* Prisons established in fortresses—three in number, one in Christiania, one in Bergen, one in Thronthjem. *b.* Houses of Correction, of which there are four, one in each of the following towns—Christiania, Bergen, and Thronthjem. *c.* A penitentiary in Christiania. B. District prisons established with the view of carrying out a reform in prisons and prison-treatment, prescribed by a law of October 13, 1857. These jails, 56 in number, are prisons for punishment as well as for mere detention.

To the prisons of the fortresses are committed only those males above eighteen years of age, who are condemned to imprisonment with labour, either for a term exceeding six years, or for a term exceeding three years, provided they have before suffered imprisonment with labour, or for any term, provided they have before suffered imprisonment with labour in the fortresses.

A law prescribing exclusively for these prisons, that the inmates generally should be put in irons, has this year been amended so that henceforth irons are not to be employed unless in cases of urgent necessity.

In the houses of correction are confined persons condemned to imprisonment with labour if—*a*, females; *b*, males under eighteen years of age; *c*, males more than eighteen years of age, who neither have to suffer their punishment in the fortresses, nor are committed to the penitentiary as below. The shortest term of imprisonment in the houses of correction is generally six months.

To the penitentiary are committed, males tried within the two nearest sees (those of Christiania and Hamer), and condemned to imprisonment with labour for a term not less than six months nor more than six years, provided that at the time when the arrest is to take place, they have attained the full age of eighteen, and not passed that of thirty. Other males, above eighteen years, who are condemned to imprisonment with labour for the same length of time, may obtain permission to suffer their punishment in the penitentiary. The duration of the punishment inflicted by the sentence is shortened by a third, so that the minimum will be four months and the maximum four years.

In the district prisons imprisonment is in one of the following modes:—*a*. With bread and water for a term not less than four nor exceeding thirty days, with certain intervals prescribed by law—between every five days bread and water. *b*. With common gaol allowance for a term not less than 16 nor exceeding 120 days. *c*. As ‘arrest’ for a term not less than 32 nor exceeding 240 days.

The district prisons are used besides (1), for the custody of persons apprehended as being suspected of having committed a criminal offence; (2), as prisons for debtors.

The prisoners confined in the district prisons are not obliged

to labour, but if desirous of work, they may obtain proper employment.

3. The houses of correction and the prisons established in the fortresses are based on the system of association. The penitentiary is a cell prison organized on the model of the Philadelphia system, with room for about 250 prisoners. The district prisons are cell prisons, where complete isolation is prescribed in cases of those who must suffer imprisonment with bread and water, or with common gaol allowance. They are usually applied also in cases of those who are committed before trial, yet always subject to such modifications as may be deemed expedient, when considering the age, health, and mental dispositions of the prisoners.

4. The superiority of the cellular system to that of association may essentially be ascribed to the fact that by the former, the prisoners are guarded from pernicious contact with other offenders, and that isolation, when applied for not too long a term, has a more awakening effect upon the better feelings of the inmate.

5. The expenses of the 'Strafarbeidarsanstalts' are defrayed from the Exchequer—that is, to the extent of supplying the deficiency so far as the proceeds of prison labour fall short. In the budget of the year 1872–3, the expenses of the eight 'Strafarbeidsanstalts,' the cost of working materials included, are estimated at 203,410 spd. Of this sum 109,970 spd. is the amount at which the prison labour is valued.

The expenses of the district prisons are paid by the prison districts, yet, so that the Exchequer, which originally contributed to the building of these prisons about half the amount, has to pay for medicines, medical and spiritual assistance, and necessary clothing for the prisoners. The prison district receives from the Exchequer an allowance of 2 sk. (about 10*d.*) a day for every prisoner.

6. The local management of the prisons established in the fortresses is the business, *ex officio*, of the commanders of the fortresses, or of the nearest military authority subordinate to them. The local administration of the penitentiary is conferred by law upon a superintending board, and a director, subordinate to that board, appointed by the King. The local administration of the houses of correction consists of the Stiftsdirection

(the highest civil ecclesiastical authority of the district), a superintending board subordinate to the same, and a director. The director is appointed either by the King or the Stifts-direction. The chaplains of the Strafarbeidarsanstalts are appointed by the King; the medical attendants and the cashiers either by the department of justice or the Stiftsdirection; the teachers are appointed by the chaplains. The other functionaries of the 'Strafarbeidarsanstalts' are appointed by the director. The managers of the district prisons, who generally are not paid for their services, are appointed by the King from among the judicial or administrative officers of the district. The subordinate functionaries of the district prisons are appointed by the prefect. Generally the functionaries of the 'Strafarbeidarsanstalts,' or prisons, are not appointed for any certain length of time.

7. Of course the higher functionaries ought to be men of probity and education, besides possessing, as essential qualifications, firmness of character and aptitude for their special work. Sobriety, exactitude, firmness, knowledge of writing, and acquaintance with some trade, are the qualifications which are most valued.

It is supposed that the actual functionaries are satisfying the above claims in all essential points.

8. There are no special training schools for prison officers in Norway, nor is the establishment of such schools, considering the circumstances of the kingdom, likely to be entertained; at all events, not at present.

9. The pension allowed to officers of the 'Strafarbeidarsanstalts' is not regulated by law, but is a matter of parliamentary grant in each individual case. The lower functionaries generally receive no pension.

10. See answer 2.

11. No classification of the prisoners is carried out in the prisons based on the system of association, except that, in distributing the prisoners in the work-rooms and dormitories, care is taken to keep the less corrupt prisoners separate, as far as possible, from the older and more dangerous criminals. In the penitentiary a system of progressive classification has been introduced, based on the zeal and merit of the prisoners, through which some mitigation of their punishment is gradually

afforded, by means of allowing the prisoners greater liberty than before—to read, write, receive visits from their relations, work in the open air, etc.

12. Only by royal pardon may the duration of a fixed sentence be abridged, but in deciding on the question of pardon, the behaviour of the prisoners during their imprisonment will of course be taken into consideration.

13. The prisoners do not get any part of the proceeds of their labour; formerly they did, but the system was given up as not expedient. However, the question of applying the same system in a greater or less extent, and in another manner, has again been raised.

14. As a means of stimulating the zeal of the prisoners in the houses of correction and the prisons of the fortresses, an extra allowance of food and other small rewards are employed. As regards the penitentiary, refer to answer 11.

15. The most frequent infractions of prison discipline are—in the cell-prisons, communication with fellow prisoners; in the other prisons, quarrels, wrong kind of labour, attempts to escape, and laziness.

16. Offences against discipline are punished with bread and water, confinement in a dark cell, or privation of the extra allowance of food, in the prisons exclusive of the penitentiary. Corporal punishment is also applied.

17. The punishment is always inserted on the record.

18. Every 'Strafarbeidarsanstalt' has its chaplain of the Evangelic-Lutheran confession, to which almost all the inhabitants of Norway belong. To the inmates of the district prisons spiritual assistance is generally afforded by the clergyman of the district.

19. The chaplains must conduct divine service, and by means of conversation, admonition, and instruction, labour for the reformation of the prisoners.

20. Of course religious instruction is a very effective agent in the reformation of imprisoned criminals.

21. Persons not belonging to the administration are not admitted into the prisons to labour for the moral improvement of the inmates.

22. There are Sunday-schools in most of the 'Strafarbeidarsanstalts.'

23. The inmates of the prisons based on the system of association, as well as those of the penitentiary, may from time to time write and receive letters; the prisoners of the penitentiary once a month. As regards the district prisons, the correspondence of the prisoners depends on the consent of the manager.

24. When duly controlled, the admittance of correspondence seems to have a beneficial influence.

25. With the consent of the director, and at fixed times, the inmates of the 'Strafarbeidarsanstalts' may receive the visits of their relations or others. Those inmates of the district prisons who are suffering imprisonment with bread and water, or with common gaol allowance, are only exceptionally allowed to receive visitors.

26. The visits always take place under the observation of one of the functionaries, who generally also must listen to the conversation.

27. It is thought that the admittance of visitors, when duly controlled, has a beneficial effect.

28. Most of the prisoners can read at the time of their commitment. The proportionate number of those who cannot read is, as regards the penitentiary, estimated at 1 per cent., which is supposed to be the proportionate number also in the other prisons.

29. In all the 'Strafarbeidarsanstalts' are schools. In the district prisons there are none; but in these prisons some information is given to ignorant young prisoners, provided their imprisonment is of some duration.

30. In the penitentiary instruction is first given in the cells, later in the common school-room, where, however, the prisoners have no opportunity of seeing one another.

31. Instruction is given in religion, reading, and arithmetic, partly also in writing and singing. Generally the prisoners make good progress.

32. In the district prisons devotional works are at hand, and also other works of beneficial tendency. In the 'Strafarbeidarsanstalts' are libraries, consisting of religious, historical, geographical, and physiographical books.

33. The prisoners, especially those of the cell prisons, eagerly employ themselves with reading. The works to which prefer-

ence is given are, perhaps, those of history and geography, and books of travels.

34. In all the prisons provision is made for good drainage.

35. Of water may be had as large a quantity as desired, and of good quality.

36. The ventilation is good.

37. By way of employing the time of the prisoners, cleanliness is maintained in all the prisons to the largest possible extent.

38. Care is taken that the prisoners wash and comb themselves every day. From time to time a warm bath is given to them.

39. In the cells of the district prisons are moveable closets, of such construction as to spread no stench when they are shut. In the prisons of the fortresses and the houses of correction, closets for the use of a greater number of prisoners are arranged on the side of the working-rooms and dormitories. Stench is prevented by the frequent use of disinfectants. In the penitentiary, where the cells, like those of the district prisons, have each a moveable closet, a union of the dry earth and drainage system is employed.

40. In the 'Strafarbeidarsanstalts' and the district prisons situated in the larger towns, the rooms are lighted with gas; elsewhere oil-lamps are used.

41. In the penitentiary and most of the district prisons, the rooms are heated by warm water, in the other district prisons by stoves, in the houses of correction and the prisons of the fortresses, by steam pipes or by stoves.

42. In the penitentiary hammocks are used; in the other 'Strafarbeidarsanstalts' wooden bedsteads; in the district prisons either sort.

43. The bedding consists of mattress, pillow, sheets and blankets.

44. According to the law in force, the daily working time of the prisoners is not to exceed fourteen hours in the summer, nor ten hours in the winter, in the 'Strafarbeidarsanstalts.' The actual time, however, is somewhat shorter, and of different length in the different prisons, partly on account of the sort of labour. It varies between twelve-and-a-half hours as the longest, and ten hours as the shortest time. The rest of the day is employed at meals, recreation, and exercise.

45. The sick are treated in cells, or in the sick-rooms of the prisons. Every 'Strafarbeidarsanstalt' has its medical man. In the district prisons, medical assistance, generally, is rendered by the official surgeon of the district.

46. Phthisis, tuberculosa, cardialgia, and bronchitis chronica, are the most frequent complaints in the penitentiary.

47. According to the last statistical statements, the proportionate number of sick persons in the three 'Strafarbeidarsanstalts,' situated in Christiania, has been about two per cent.

48. Comparing the number of all the prisoners, who in the course of a single year (1871) have been confined in the 'Strafarbeidarsanstalts,' with the number of those deceased the same year, there results the following percentage of mortality:—

1. In the prisons established in the fortresses, 1·18 per cent.
2. In the houses of correction, 0·61 per cent.
3. In the penitentiary, 0·93 per cent.

As to the district prisons, exact statistical statements are wanting.

49. In the 'Strafarbeidarsanstalts,' no other labour is performed than that which is given to the prisoners as part of their punishment. This labour is chiefly of an industrial character, but not quite the same in all the prisons. While in the house of correction in Christiania, cloth-manufacturing is one of the chief branches, and in the 'Strafarbeidarsanstalt' of Akershuis (the fortress of Christiania), stone-cutting is carried on to a not inconsiderable extent, the labour in the other prisons chiefly consists of such as belongs to some trade.

50. Refer to answer 60.

51 and 52. See former answer.

53. The labour of the prisoners is managed exclusively by the administration.

54 and 55. Need no reply.

56 and 57. Most of the imprisoned criminals are labourers. Many of the prisoners learn some trade, that may be of use to them after their discharge. Whether they are to learn a trade depends partly on the duration of their imprisonment, partly on their aptitude and disposition for the special trade.

58. Provision is made to inure the prisoners to habits of

industry; it is constantly represented to them, that among the causes of crime, laziness is the most frequent.

59. With regard to this question, experience has not given any certain result.

60. In the penitentiary, the exactest account possible is kept of the percentage of relapse. For the years 1858–1865, the average percentage was 34·73; for 1866, 38·88; for 1867, 38·92; and for 1868, 38·86. In making up the account, relapse is considered to have taken place in the case of anyone who, after his discharge, has been sentenced to punishment for even the slightest offence.

61. A prior conviction of a criminal will, according to law, have the effect of aggravating in greater or less degree, the punishment to be inflicted by a second sentence, but as regards the treatment of the convict during his imprisonment, it makes no difference whether he has suffered punishment before or not. All prisoners are treated on the same principle.

62. Confinement for debt still exists, but is seldom carried out; the abolition of this is proposed, and may soon be expected. In the district prisons, rooms are arranged for receiving prisoners for debt, but these rooms are furnished almost in the same manner as common dwelling rooms, and the constraint to which prisoners for debt are subject, is only intended to insure their presence and prevent infraction of prison discipline; while in other respects, as regards their meals and occupation, they are not ranged in the class with other prisoners.

63. As the principal causes of the most frequent crimes (violation of the rights of property and assault) may be named, laziness, drunkenness, and bad company, into which these vices will lead—a vital part, however, must be ascribed to a neglect of home education.

64. Complete statements on this point are wanting as regards the district prisons. As to the 'Strafarbeidarsanstalts' it may be stated that the aggregate average number of inmates in a single year (1871) was 1,381, of which 1,053 were males, 328 females. Consequently, the proportionate number was 76·2 per cent. males, 23·8 per cent. females.

65. Though protecting society and deterring from crime must be the primary end of prisons and punishment, the reformation of the prisoners is also considered a chief point.

66. As complete statements on convictions are wanting, this question can scarcely be answered in a satisfactory manner.

67 and 68. With the view of preventing the released prisoners from relapse, care is taken to procure work for them, to get them employed as sailors, to assist them with money, books, etc. Too much assistance and support is supposed to weaken their moral strength. There exist some discharged prisoners' aid societies, but they do not possess sufficient means to work to so great an extent as is desirable.

69. Referring to the special replies above, the condition of that part of the prison system which consists of the prisons established in the fortresses and the houses of correction, cannot, generally speaking, be declared satisfactory in all essential points, though our prisons have all been gradually obtaining better results. It is thought that important reforms will soon be carried out, but as this is not the place for entering upon details, it may be enough to suggest as prominent points the questions of altering the forms of management, of abolishing the distinction between imprisonment in the fortresses and confinement in the houses of correction, and of procuring separate prisons for females, in which connection may also be named the general demand for the improvement of the prison premises.

RUSSIA.¹

1. All the prisons in Russia are placed under the control (1), of military authority (2), of civil authority. The military prisons are under the Ministers of War and of the Navy. The

¹ 'The questions drawn up by Dr. Wines are intended to elicit replies which will give an exact idea of the different systems of prison administration in various countries. A detailed account of the system now in operation in Russia is scarcely possible, and could not give a precise idea of things, since the penitentiary question, at the present time, in Russia is passing through a phase of transition, a radical reform is proposed, and certain experiments have already been commenced which formed the subject of the short pamphlet I recently published. Since that time a special commission has been appointed to prepare a penal code, the first principles of which have only just been submitted to the consideration of the imperial government. Russia is consequently between two systems, one acknowledged unsatisfactory, and another only just dawning, with its general outline yet undeveloped. From the scientific and practical point of

prisons under civil authority are under the minister of the interior. The military prisons have already undergone important reforms, and are, as to progress, in advance of those under civil authority. The latter, while under the minister of the interior in his department of executive police, are further specially placed under the Imperial Society for the guardianship of prisons. This society, established like the Royal Society in France in 1819, had for its object the introduction of philanthropy into prison administration. The French Society has not existed for many years. The Russian Society not only exists, but in 1830 was invested with new prerogatives for the surveillance and maintenance of prisons. A committee formed by a central committee sitting at St. Petersburg under the presidency of the minister of the interior, is compulsorily established in the capital of each province, with branches in each chief town of the various districts. These committees are composed *ex officio* of the officers of the state and of optional and benevolent members who have a small salary and certain honourable prerogatives. These committees select the governors of the prisons and direct the economic management of the prisoners. A considerable sum is granted for this purpose to the committees, who have the right of referring in a prescribed manner to the minister of the interior under his double office of minister and president. This system not only saves the expenses of administration, but has led to considerable gifts and the formation of a special capital. It must, however, be acknowledged that such a system of administration produces a certain amount of carelessness and irresponsibility in the exercise of power, and that the principle of philanthropic committees and their participation in the management of prisoners requires important modification in Russia.

Besides the control of the committees, there was recently

view such a transitional phase may be interesting, but it cannot give precise statements as to what exists now and what is to exist hereafter. Such is the cause of the natural hesitation which has hitherto prevented me from giving distinct replies to the questions of Dr. Wines; yet as I am unwilling to decline complying with his reiterated request, which has been supported by the commission over which I have the honour to preside, I have replied to all the questions, desiring, however, that it should be distinctly understood that my replies are not the exposition of a system, but a brief sketch of the penal traditions of my country.'—*Note by Count Sollohub, President of the Committee for Penitentiary Reform in Russia.*

established, when municipal laws were created in Russia, a new mode of detention, named arrest, and which must not be confounded with preliminary arrest. The punishment of arrest inflicted by the justices of the peace for slight violations of the law, does not exceed three months. The establishment, maintenance, and administration of these new local prisons are under the control of the municipal institutions of each province.

2. The existing laws of Russia relating to those arrested and sentenced are contained in the fourteenth volume of the code. They are divided into two distinct parts; the first part refers to those imprisoned, the second to those transported. The following has hitherto been the classification of prisons. (1) Prisons properly so called; (or *ostrogs*) established in all the towns of the empire. They are of ancient date, and their object at first was only preliminary detention. The punishment was corporal, or deportation to the confines of the empire under a more or less severe treatment. In recent times imprisonment in this class of prisons has not exceeded one year and four months. (2) Prisons for arrest not exceeding three months. They have already been referred to. (3) Houses of amendment and labour established by the Empress Catharine, very probably under the influence of Howard, who, as is well known, died in Russia, and was buried at Kherson. His tomb is preserved there, and a monument to his memory stands in an open spot before the prison of the town. Russia owes to Howard its first notions of the humane treatment of prisoners, and that principle of punishment of moderate duration (*durées moyennes*), in the penal system on which I desire to fix the attention of my readers. The idea that the Empress Catharine adopted was to unite under one philanthropic guardianship hospitals, almshouses, lunatic asylums, and a certain class of prisons whose special purpose should not be confounded with that of prisons for punishments of long duration and severity, for it was to effect by favourable arrangements the prisoners' reformation and prepare them for re-entrance into society. The principle of a general guardianship for four kinds of establishments united under a single surveillance has been tried in other places besides Russia, but the special category of prisons designed for a precise purpose, and destined exclusively for prisoners undergoing punishment for a crime intermediate

between misdemeanours and crimes, appears to be of Russian origin. This principle is not of a transitory nature. It is distinct from the two degrees of punishment usually inflicted in Europe. It exists separately, and to give an account of it we must seek its origin in serfdom. Not long ago each landed proprietor had the right of executing justice among his serfs. He could not only arbitrarily subject them to disciplinary punishments, but had power to imprison and even deport them at his pleasure. It was for this kind of imprisonment that the penal code of which I have spoken was instituted. It is imposed independently of any judicial proceedings. It had as it were a paternal character without regard to people's rights. Rural and town communes had the same right. Communal principles, which have so large a share in Russian life, give to the corporations the privilege of expelling for a time, or for life, those members whom they wish to correct or exclude. This right is not yet entirely abolished: thus, the criminal sentenced to reclusion may, on his liberation, be accepted or rejected by the commune. In the last case six months will be allowed him to connect himself with another commune; after that period, if his efforts are unsuccessful, he will be deported by the administration without any new decision of the tribunal. Parents wishing to be severe can still arbitrarily imprison their children.

Since the reforms introduced during the present reign, since the abolition of serfdom and the organization of justice, numerous abuses have rapidly passed into the domain of legends. Others daily disappear and give rise to new combinations. But I think I am not deceived when I affirm that sometimes erroneous and lamentable principles, as that of serfdom, may when modified give rise to just ideas. Thus in classifying all violations of law (misdemeanours, remissible and irremissible crimes), in assigning strictly to each crime a separate and individual punishment, we shall perhaps find in the Russian penal traditions what appears to me wanting in European legislation, namely, that paternal solicitude which is never found in conjunction with any system of uniform discipline for all kinds of crime. Such has been the principle of the houses of correction already established in Russia, and of which I gave an account in a former pamphlet published in English by the kindness of Dr.

Wines. Such is also the reform in penitentiary science which the commission over which I have the honour to preside has unanimously accepted, the final decision of the Government only being wanted.

(4.) The prisons for industrial sections or companies. This institution, which dates from 1843, belongs also to the class of punishments of moderate duration, not exceeding four years. At first the duration was fixed at twelve years, but it has been reduced by two-thirds. These companies, appointed to public works, were in the province of the minister of ways and communications, but they have lately passed under the jurisdiction of the minister of the interior. It is probable they will be fused in the institutions which will be mentioned subsequently. Such is the actual state of the classification of prisons, properly so called, in Russia. They have for their object only prevention, amendment, and correction. As punishment imprisonment in Russia no longer exists. It is replaced by deportation of two kinds, exile and hard labour. These two kinds are divided and subdivided, and demand legislative regulations, which are undergoing reform and improvement by many special commissions. It will be sufficient to state that at present there is some confusion between the principle of the galley (*bagne*) and of criminal colonies, that serious abuses are the consequence of this mildness of administration, and that these abuses will certainly shortly disappear.

3. The system of associated imprisonment by rooms still exists in Russia with some exceptions. In the *ostrogs* of the first class of prisons there are cells, or rather separate rooms.

4. The result of imprisonment in common by day and night, and also of deportation, has been very lamentable. It has created in Russia a class of vagabonds and low characters which harmonises neither with the fertility of the soil, nor with the communal constitution of the country. The system which I individually prefer is, (1) That of civil imprisonment for the accused awaiting trial (*les preventifs*). (2) Cellular imprisonment for those undergoing short sentences with a reduction of two-thirds of the punishment, as compared with the duration of collective imprisonment. (3) For houses of correction and

constrict establishments separation by night in boxes or small rooms open at the top, and in a common dormitory, lighted, and under constant surveillance; the system of triple surveillance by day and work in common in workshops. The reasons for my preference are: (1) That for the accused the certainty of a judicial trial is secured. (2) Those undergoing sentences of short duration can only be influenced by intimidation and separation from corrupting companionship, while a prolonged imprisonment will only ruin the prisoner and his family, and thus tend to produce recidivists. (3) That as regards those undergoing moderate or long sentences, our aim should be their moral and social reformation, which can only be attained by well-directed emulation. Cellular imprisonment for prolonged periods tends to brutalise the prisoner or make him constantly refractory towards his superiors; this necessarily diminishes the strength and development of his individual will, by which alone his moral reformation can be effected. Man undoubtedly can injure man, but where there is equality and no subjection, he can just as certainly benefit him. The problem appears to me to be this: how best to develop the good instincts of comradeship, and at the same time crush those that are pernicious. In Russia, however, from time immemorial, the communal system has created collective probity; it is a point of honour and an immutable rule with free workmen never to break a contract or promise which has been made, not individually but by the body collectively. Of such a breach of faith I believe there is no example. I think it would be very unwise not to take advantage of this distinctive trait in the national character, particularly as we cannot place confidence in the individual character of the inferior *employés*. I am also convinced that preliminary cellular imprisonment, though a principle adopted in Europe, if introduced into our central prisons which are projected, would be perfectly useless, although this may not be the opinion of the majority of my honourable coadjutors on the commission. I ought also to remark further that, in my opinion, any system to be just ought to be general. We cannot apply throughout Russia what is possible in Belgium. The cellular system for central prisons in Russia, generally adopted, would lead to enormous expenditure.

This alone would render its adoption impossible, especially when taken in conjunction with the fact that, owing to the traditions of the country, I cannot acknowledge its local utility. I have the highest respect for the system so nobly introduced by Sir W. Crofton ; but I believe it is inapplicable to Russia, both from the generic character of the prisoners, and their surroundings within and without the prison. I can say the same of the system of Sherry Hall, of Auburn, and of all the rest. I regard, on principle, all servile imitations as faults and errors. All men have a general resemblance ; but all races, all nations even, have their own peculiar physiognomy while keeping the primordial type of humanity. This physiognomy is a consequence of the soil, of the climate, of the general topography, and partly of indigenous character and the historic facts it accomplishes. In the same way in penitentiary art physiognomy ought to play its part. It may have a typical object, but the processes by which it is attained may be differently formulated. Thus, in one country where everything collective is successful, and everything individual formidable (*redoutable*), the collective principle will predominate in the system adopted. In another country, in which the conditions are exactly the reverse, a reverse course will be pursued. Dr. Wines, in a remarkable speech, clearly established the difference between principle and system. One is the end, the other the means. Let all men agree on the end, and let each man adopt means best suited to his circumstances. I cannot, therefore, declare myself a supporter of any other system than the one which, if God aid me, will be hereafter known as the Russian system.

5. The necessary funds come in a great measure from the treasury of the State. The minister of finance annually allows to the committees of prisons, through the minister of the interior, a tolerably large sum. Another sum, considerably larger, is placed under the control of the governors of provinces and the transport of prisons and those subject to deportation. The committees of prisons can also dispose of the sums collected by their care. Finally, the urban and rural municipalities also contribute either collectively or locally to the specific expenses of executive justice. The industrial earnings of prisoners in Russia have hitherto been inconsiderable ; but progress is being made, and great results may be anticipated,

especially when we consider the number of the population and the immense productive powers of the empire.

6. The appointment of directors or members of committees is confirmed by imperial sanction. The other *employés* are appointed by the minister of the interior. Their tenure of office is not limited.

7. Honesty, humanity, accuracy, and intelligence. The majority of the officers actually employed are far from possessing these qualities. This must be attributed principally to the reproach attached to their mode of earning a living.

8. There are no special schools for the training of officers. I do not see the need of them, for the essential conditions of this kind of employment are rather moral than pedagogic. The mechanical part of the duties may be acquired in a few days, the necessary intelligence can be obtained in all the other schools. But it seems to me desirable to establish in the administration of prisons a system of graduated promotion and a special service having a connection with all the other branches of state service.

9. The system of pensions is uniform for all officials, and is subdivided into different classes.

10. I have given a reply to this question in section 2.

11. Russian law strictly orders a system of classification for prisoners, but the bad condition of many buildings, and especially the want of room, compel us to limit ourselves to the separation of the sexes and of those awaiting trial from those sentenced, who are however classed together in principal categories.

12. This principle is only admitted in imprisonment with hard labour, and yet requires regular organization.

13. Russian law prescribes work for the prisoners, and grants them a part of their earnings, according to the particular class of prison. This law has rarely been executed. The organization of industrial labour is in reality the practical base of our projects of reform. An advance of salary is the subject of one of its clauses.

14. There is not yet any system of rewards.

15. Drunkenness, which has been frequently encouraged by the avarice and dishonesty of the officers.

16. Imprisonment in a dungeon, bastinado, and fetters.

17. A record of them is kept in the better regulated prisons.

18. In all the large prisons there are churches and chaplains. Priests of all creeds are admitted to the prisoners of their respective faiths. Turks and Jews are imprisoned apart and are allowed the free exercise of their worship.

19 and 20. In the present condition of things, the duties of the chaplains are rather to perform religious ceremonies than to give catechetical instruction. I find no disadvantages in this arrangement. Ceremonies speak to the eyes and the heart. Religious instruction necessitates in the priests who undertake it the largest charity and a high civilization. The militant principle of the gospel, when disconnected from terrestrial interests, is certainly the crown of the servant of God, but this work would require a special clergy trained for the purpose of this particular mission. In addition to the education of those who speak, those who hear must likewise be educated, that they may hear and understand. It is impossible to deny the importance of religious worship and instruction, but I think in all things excess is pernicious. A man in more favourable conditions than a prisoner would immediately lose patience, if he had to listen only to exhortations to virtue and repentance. The prisoner, having no means of resistance, buries in his heart a hatred which makes repentance impossible, or assumes an hypocritical garb of piety in the hope of getting something by it. I think I am not mistaken in affirming that the praiseworthy desire to reform has often been wanting in an intelligent comprehension of human nature. Virtue is not manufactured by determined methods; such methods can only produce the absence of vice, not the presence of individual morality which can escape all rocks. I have found out by experience that we have many more chances of success when we appeal to men through their interests than through their good sentiments, that by removing from them the opportunity of doing evil, we naturally lead them to do well, while we fail to turn them from vice by wearying sermons. At the same time I should rigorously insist on attendance at divine service on Sunday, on daily prayers, and religious instruction in all central prisons. But I think religious reformation should not be the declared object, but left to develop itself in proportion as

hope and confidence re-enter the heart of the criminal, and as he sees that his own welfare depends on his reconciliation with society.

21. There are few persons in Russia who devote themselves to the moral reformation of prisoners. We may mention some remarkable exceptions, among others Dr. Hase, who has left behind him a tender celebrity. Charity towards prisoners and even to those who have escaped is exercised on an immense scale in Russia. We cannot calculate the number of millions that every year are spent in gifts of money and provisions to persons quite unworthy of them, for almsgiving to prisoners encourages drunkenness and vagrancy, and produces disorder. People never reason about it; they do not recognise the right of judging their fellow-men, but they acknowledge the duty of succouring the destitute and prisoners in accordance with the words of the Gospel (St. Luke). The pillory has never called forth an insult; but the scaffold which bears the pillory is often covered with coin.

22. Schools are being gradually introduced into all the prisons of any size. Even before the organization of schools an attempt was made to commence discussions on scientific subjects on Sunday. The prisoners are interested in them, and prefer them to school.

23. The law is the same on this subject as almost everywhere else.

24. The majority of the prisoners can neither read nor write. It is not possible to reply to these questions.

25. See section 23.

26. *Idem.*

27. The effect of these visits depends on the morality of the visitors. I do not suppose parents coming to visit their children could injure them. Moreover, I regard that degree of disciplinary punishment which suspends the right of receiving all visits whatever as unjust and unwise, particularly as it frequently punishes the visitors very much more than the prisoners.

28. The majority of prisoners have no elementary knowledge.

29. See section 22.

30. The only condition is their own good-will.

31. Instruction in prison is only just commencing in Russia;

it is not possible, therefore, to give any details on the subject. It is proposed not to limit the instruction, and to divide the course into two classes, in addition to the conferences on Sunday. Mr. Savenko, a distinguished criminalist (*specialiste*) has already made some remarkable efforts in this direction.

32. Libraries, although still poorly supplied, are found in many prisons.

33. When there is no compulsion exercised, the prisoners are fond of reading and of listening to reading. Aged believers read only pious books ; the young generation, not being allowed novels, ask for poems.

34. In the new buildings, in spite of the difficulties offered by the climate, the greatest care is given to drainage. In the old prisons everything connected with this subject is in a more or less barbarous state, as indeed is the case in many prisons elsewhere in civilised Europe, where vessels are placed in the middle of the rooms.

35. The average has not been calculated.

36. See section 34.

37. The cleanliness of the prisons still depends more or less on the care of the directors and principal officers. Some are very clean, others are horribly dirty.

38. The use of hot baths on the Russian system maintains bodily cleanliness.

39. The water-closets are generally primitive. Those used during the day are simply perforated planks above a pit more or less deep ; for use by night there are portable vessels of wood. We are now engaged in finding a method which will unite economy, cleanliness, and pure air in a severe climate ; but the problem is not easy.

40. Almost everywhere by tallow candles.

41. Almost everywhere by a system of stoves used in Russia for keeping up the temperature. Each stove is heated separately. In exceptional prisons the system of Amossoff is employed. In this system tubes for conducting heat unite at a common subterranean furnace or fire-grate. Other systems have been also tried, but none has yet given a satisfactory solution of the difficulty as respects cheapness, climate, security, and other desirable advantages.

42. In most prisons the prisoners have no bed. They sleep

on planks ranged side by side, and fixed on ovens (*escabeaux*) about a metre from the plank.

43. The bedding is the same as that used everywhere else — a mattress and a bolster fitted with straw, a linen sheet, and a coarse cloth blanket.

44. Discipline has been introduced only into some of the prisons.

45. In the large prisons there are certain portions in which the sick are treated. These portions are usually very well arranged and attended to.

46. Scurvy and pulmonary diseases.

47. There is not a large proportion of sick prisoners. The same cannot be said of the number of deaths. This fact is explained by the kind of life that the prisoners led before their imprisonment; they had been too much addicted to alcoholic stimulants.

48. See section 47.

49. We are beginning to make a marked difference between the different kinds of work, in accordance with a theory of which I have given an account. Industrial work, which scarcely existed in times past, is now making great progress, owing to the advantages it offers the prisoner, for he sees that he can escape relapse, from which a too slender wage and barren catechising could not save him.

50. Penal labour alone cannot have a beneficial influence. This is nowhere more clearly proved than in Siberia, where the number of escapes may be counted by thousands.

51. Most intense hatred of authority and the desire of vengeance where penal is not conjoined with industrial labour, which is the only means of reformation.

52. Penal labour in the open air improves the health of the prisoners.

53. Industrial labour let to contractors has alone produced good results. It is now proposed to conduct part of the penal labour by contract.

54. Undoubtedly the first under certain conditions. The Administration ought not, in my opinion, to interfere with its direct duties by the care of commercial undertakings.

55. My reply is contained in the second part of this report.

56. A well-organized office for statistics has only just been.

opened by the minister of justice. We cannot therefore yet give exact figures, but the majority are ignorant of a trade.

57. This is precisely what the proposed reform intends to teach them.

58. We regard self-help as of the highest importance, penitentiary science being nothing else than a warfare against all causes producing recidivists.

59. They not only fail to produce good results, but they create professional criminals.

60. See section 56.

61. Relapse, as everywhere, is taken into consideration by the judge.

62. Prisons for debt still exist in all their severity; but a special commission has just drawn up a scheme in virtue of which imprisonment for debt will no longer be allowed, except in a limited number of cases. The treatment of prisoners for debt is however infinitely less severe than for prisoners of the other categories.

63. The cause of crimes in Russia arises from a certain oriental fatalism which is in the foundation of the character of the people. This fatalism, which is associated with a profound religious faith, frequently inspires a singular indifference to life or death, to the enjoyments or privations of life, and sometimes even to good or evil. It results in a kind of slothfulness, which is frequently overcome by the temptations of drunkenness and its consequences. It must be acknowledged that the want of a general system of elementary education, abuses tolerated by a still defective administration, and a legislation which is not yet definitely settled, contribute in propagating lamentable disorders. It must also be granted that in the Russian penitentiary system, the cause of criminality must be kept in view, just as the cause of disease should not be forgotten when the physician proceeds to treat his patient.

64. The proportion of women is about ten per cent. The exact proportion cannot yet be stated.

65. It is the declared object of all penal legislation, but in the past we have been far from having attained it.

66. Undoubtedly worse, for the liberated who have undergone their sentence, or who have taken advantage of facilities for escape, are the plague of their country.

67. Nothing in the way of a general scheme has yet been tried for this purpose.

68. The first patronage society has just been officially established at St. Petersburg.

SWEDEN.

1. All the prisons of Sweden are placed under the control and administration of a central authority—the General Administration of Prisons.

2. Under this General Administration, the provincial government has the direct inspection of the cellular prisons established in each province. The General Administration derives its authority from the Government, to which all reports are made by the minister of justice.

3. There are in Sweden : (a) cellular penitentiary prisons in each province, in the cells of which the prisoners are kept both day and night. (b) Central prisons on the associated system : some are specially appropriated to women, others to men. (c) Houses of arrest in certain towns or small districts in which the accused are kept during judicial proceedings.

4. The cellular prisons are used : (a) for the accused during trial, (b) for those sentenced to hard labour for two years and under, (c) for those who have been sentenced only to reclusion, (d) for those who, for want of means to pay the penalty to which they have been sentenced, have to submit to imprisonment on bread and water. Certain prisons on the associated system are used for those sentenced to hard labour for life, and other prisons for those sentenced to hard labour for more than two years.

The viciousness of the prisoner cannot be augmented by the cellular treatment. On the contrary, religious instruction, severe discipline, and complete isolation must necessarily have a reformatory influence on his character. After such imprisonment, experience has shown that he can more readily find new industrial occupation. Collective prisons, such as still generally exist in Sweden, having dormitories in common, for from 40 to 130 prisoners, must be regarded, in spite of the strictest

possible surveillance, as nurseries of vice and crime. They render the prisoner's restoration to society very difficult, if not impossible. In my opinion, of the two systems, preference is to be given to the cellular, unless when the imprisonment is of short duration, and during the first months of a long imprisonment. Next in order of merit I should place the collective prisons in which the prisoners are kept in separate cells during the night, and when they are not at work under special supervision. If prisons are not to deprave prisoners by association, the work should be executed by small groups of from ten to fifteen in each workshop, under strict surveillance, and under a direction which gives moral instruction. Of all known penitentiary systems, it appears to me that the most excellent for securing moral reformation is the Crofton, or progressive, system adopted in Ireland, with its special stages through which the prisoner must pass.

5. Prisons and prisoners are supported by the funds of the State, annually granted by the Parliament. Small houses of arrest in some towns or small country districts are supported by the towns or districts themselves. In collective prisons, the prisoners are engaged on compulsory labour for the State. The sum gained by their work is about equal to the cost of their food. The sum gained by the work of the women is equal to the expense both of their food and clothing. The State is not directly benefited by the work of the prisoners in the cellular prisons. (See the answer to question 13 which follows.)

6. The directors and officers of all the State prisons are nominated by the General Administration of Prisons. All those employed are appointed for an unlimited time: but generally they retain their offices so long as they are fit for their work. The inferior officers retain their posts so long as they give satisfaction to their superiors.

7. In appointing officers, preference is given to those who have a calm and equable temper, a humane and grave disposition, and a mind with a stern regard for justice, order, and punctuality in the performance of duty. Most of the officers actually possess these qualities.

8. There are no special schools for the education of prison officers. The need of establishing such schools for giving them special knowledge and moral training, becomes more and more

felt. Till they are established, those who seek situations in prison, pass a certain time in a well-conducted prison: but as they learn here only the routine of their work, and do not gain the intelligence necessary for the discharge of their duties, a normal school for the education of young men intending to become prison officials is recommended.

9. On attaining the age of fifty-five, the officers have the right of quitting the service with a pension of two-thirds of their salary. Those who serve till sixty-five years of age, generally receive from the parliament a pension equal to their whole salary.

10. The prisoner who is kept in prison during trial, or is undergoing a sentence of reclusion, has not to submit to compulsory labour: he spends his time at any work he likes, or in reading. With the consent of the director of the prison, he can procure for himself better food and more comforts than the prison supplies to him, but this must be so done as not to interfere with the order and security of the prisoners. Those, however, who are sentenced to hard labour are compelled to do the work set them, and they can obtain nothing whatever beyond what is sanctioned by the Administration and the regulations. (See No. 13.)

There are in Sweden no prisons for severer treatment, nor any system corresponding to the bagnio in France. The work is always industrial, the prisoners engaged in it are never chained. Irons can only be exceptionally employed, as during the removal of prisoners, or when any of them are so violent that they can be subdued in no other way.

11. There is no system of classification of the prisoners except that the two sexes are kept separate. The men and women in cellular prisons are guarded in separate divisions. In the collective prisons, as far as space permits, the youthful prisoners and those sentenced to a punishment not infamous sleep apart from the other prisoners.

12. Good conduct produces no abridgment of the time of imprisonment. The King, however, has still the right of pardoning a prisoner. Since the application in 1865 of the new and more elastic penal code, this right has been almost exclusively exercised in favour of those sentenced to hard

labour for life, and whose conduct for ten years has been perfectly satisfactory.

13. In the collective prisons prisoners have a salary of from 3 öre to 25 öre (from 4 to 34 centimes) per day, varying with the nature of their work and their diligence. The prisoners who act as foremen, as well as those who are distinguished for skill, sometimes receive, with the permission of the authorities and of the contractors, an increase of salary, rising to 60 centimes, in proportion to their work.

In the cellular prisons in the provinces, in which the director procures both work and materials, the salaries of the prisoners sentenced to hard labour are paid on the following scale: The prisoner receives two-sixths; the director for inspection and furniture two-sixths; the officers who exercise surveillance one-sixth; and in order to provide help for the prisoner when liberated the remaining sixth is put in a savings' box. Any prisoner who commits in prison any offence liable to punishment loses his share of the money placed in the savings' box. Of the two-sixths which the prisoner receives he may spend two-thirds of the sum in buying additional food, as bread, beer, cheese, lard, &c. But this expenditure must not exceed two francs per week. Those who work in the open air especially require this extra food.

14. There are no other rewards to stimulate the prisoners' zeal. The money given them from the savings' box on their liberation for the purchase of clothing and temporary support is considered a suitable and sufficient encouragement. Idleness and neglect to work in proportion to ability, faults of rare occurrence, are regarded as offences, and duly punished.

15. In cellular prisons the most usual offences are attempts to communicate with other prisoners, drawing and writing on the walls, &c., and neglect of cleanliness.

In the collective prisons the most frequent violations of regulations are insults in words and actions of officers and prisoners, attempts to procure spirits (brandy, &c.) cheating and thefts.

16. In cellular prisons the punishments consist of withdrawal of bed-clothes, diminution of nourishment, or imprisonment in a dark cell for eight hours at most. This punishment is in-

inflicted, at the request of the director, by the provincial government.

In the collective prisons, besides the punishments just cited, we can inflict imprisonment in a cell with or without labour, and for very grave offences, in rare cases, *la bastonnade* on men. Imprisonment in a cell for a period exceeding a month can only be inflicted by the central authority.

17. An exact record of the punishment is kept.

18. Only Lutheran pastors are placed in each prison. Very few prisoners of any other religious belief are found.¹

19. The duties of the chaplain are to hold divine service, administer the Sacraments, examine on the Christian religion, and give religious instruction. He finds out by conversation the state of the prisoner's minds, and seeks their moral reformation. He has also charge of the library and the church registers, in which he enters observations on the previous mode of life and conduct of the prisoners. He gains this information at the time of their examination or admission into prison.

20. If the religious instructor is equal to his high mission, and zealously devotes himself to it so as to inspire the prisoners with submission and confidence, their spiritual faculties are considerably developed, they gain a clear perception of justice, and many of them are led to form a firm resolution to live honestly.

21. Strangers cannot have access to the prisoners without special permission; but persons of high character and capable of labouring for their moral reformation are generally permitted to visit them.

22. Sunday-schools are only exceptionally found in very few prisons. Instruction in the collective prisons has had a beneficial influence. In the prisons for women well-known ladies have obtained permission to visit the prisoners on Sunday, in order to instruct them and practise them in chanting.

23. Prisoners awaiting trial and those sentenced to imprisonment can, with the permission of the director, both write and receive letters. The director, or an officer appointed by him, has to take care that the letters contain nothing contrary to the regulations, or which tends to conceal evidence against the accused.

¹ At the end of 1870 there were 1,735 Jews, 512 Roman Catholics, 28 Greek Catholics, 147 Anglicans, and 27 Reformed French Protestants.

On his request a prisoner sentenced to hard labour is allowed to write many times in a year to his nearest relatives.

24. The correspondence of the prisoners with their friends and relatives has had a good effect on the former.

25. Prisoners undergoing trial, and sentenced prisoners, are allowed to receive visits from their friends, unless the director for some reason makes an objection.

Prisoners sentenced to hard labour, without the special permission of the director, cannot see even their nearest relatives.

26. These visits are always made in presence of the director, or an officer sent by him, who hears the conversation, and stops it if it is in any way inconsistent with the regulations, security, or the course of justice.

27. These visits, being duly regulated, have not any bad effects.

28. On their admission into prison the prisoners can generally read and write.

29. In some of the large collective prisons classes are formed for those who cannot read, and who are ignorant of Christianity. In the other prisons such instruction is given in the cells.

30. All unable to read, and ignorant of Christianity, who are not too old, are allowed to attend school.

31. Instruction is limited to reading, Christianity, the elements of history and geography, orthography, the four rules of arithmetic, and natural history. The progress is about equal to that made in the national schools, and is satisfactory.

32. There are small libraries in the prisons. The books are chiefly on religious subjects, collections of sermons, books of piety, moral tales, elements of natural history, &c. The New Testament, a hymn-book, and the book of Psalms are in the possession of every prisoner.

33. The prisoners voluntarily spend their leisure time and their holidays in reading either individually or in classes. In the latter case one of themselves or an officer reads aloud. Some of the prisoners have read all the books in the library.

They prefer religious and moral books, or accounts of voyages. On Sundays they practise sacred music. In some prisons the prisoners chant the Psalms in four parts, or other more simple chants.

The reading and chanting have a good influence both on the manners and minds of the prisoners.

34. The prisons are generally healthy both in situation and in mode of draining. Many are situated near the water's edge.

35. The water is generally of good quality and sufficient in quantity, which is not calculated.

36. The collective prisons have not the apparatus necessary for ventilation. In the cellular prisons there are special tubes for introducing pure air, and for carrying off that which is vitiated.

37. The directors and the officers are ordered by the regulations to enforce the strictest cleanliness. Experience has proved that this order is duly executed.

38. The prisoner on his admission has a bath and receives clean clothes. They change their linen every week, their sheets every fortnight. Cleanliness is maintained by good order and by baths, especially during summer, in an open basin.

39. The water-closets are constructed in various ways, but they are not completely satisfactory.

40. For lighting the cells and dormitories portable oil and petroleum lamps are commonly employed; gas is used exceptionally in some prisons.

41. The collective, and some of the cellular, prisons are heated by open grates, or by hot-air stoves, in which wood or oil is burnt. The largest cellular prisons are heated by pipes containing hot water, which is impelled through them by a steam-engine placed in the cellar.

42. The bedsteads are generally made of iron in the collective prisons; in cellular prisons hammocks are used; these are suspended on hooks in the direction of the length of the cell.

43. The bed is composed of a mattress and a bolster filled with straw, a sheet, and a blanket. The hammocks are supplied with a mattress, a small pillow, a sheet, and a blanket.

44. During winter the hours for sleep are from 8 P.M. to 6 A.M.; during summer from 9 P.M. to 5 A.M. Morning and evening, half-an-hour is occupied in washing, in prayer, and in inspection by the officers. Half-an-hour is allowed for breakfast, the same for supper, and an hour for dinner. On Saturday work finishes at 4 o'clock.

In winter those who work in the open air work as long as it is light.

The prisoners in cells walk for half-an-hour each day in the court of the prison. They work at most ten hours per day; the remainder of their time is spent in reading and instruction.

45. In cellular prisons the sick are commonly attended to in their cells; but during sickness they have a bed instead of the usual hammock. In serious cases, or in epidemics, the sick are transferred to a special room which exists in every cellular prison.

In prisons on the associated system there are special infirmaries with spacious and well-ventilated rooms, to which are immediately removed all prisoners who from any sickness or wound are incapable of working. No prisoner on the sick list is allowed to remain in the workrooms or in the common dormitories.

46. The most common diseases are pulmonary consumption, affections of the stomach and intestines, especially among prisoners who work in the open air. During summer scurvy not unfrequently prevails.

47. During five years the average of sick has been, in collective prisons, 4·4 per cent; in cellular prisons 4 per cent; 7·3 per cent for the liberated and vagrants sentenced to public labour (*travaux publics*).

48. In the same period the deaths were, in the collective prisons, 3 per cent.; in cellular prisons 2 per cent.; and 3 per cent. for those sentenced to public labour.

49. No distinction is made between penal and industrial labour. In the collective prisons for men most of the prisoners are occupied in cutting granite for buildings, pavements, &c. A large part of these products are exported abroad. In one prison they cut up pine-wood to make matches. Fine joiners' work is also executed. All the articles produced are for exportation. In other prisons they largely manufacture linen and woollen cloth. In another prison they manufacture coarse cloth and blankets for the prisons of the kingdom. The garments, the shoes and stockings, and the bed-sheets for prisoners, as well as a part of the clothing of the army, are made in collective prisons. The women are engaged in making textile fabrics, in all sorts of sewing and binding, in glove-making, &c. In the cellular

prisons, when it is the duty of the director to find work for the prisoners, they execute all kinds of manual labour, as tailoring, shoe-making, and some kinds of joiners' work. The women sew, knit stockings, and sometimes weave. Recently making match-boxes has been their principal work.

50. Penal labour has not had a sufficiently deterrent effect to reduce the number of recidivists.

51. Compulsory labour gradually gives the prisoners habits of order and diligence, and renders the violent more tractable.

52. In the collective prisons work in the open air, as cutting granite, and that which is done in large workshops, has greatly contributed to the prisoners' health ; so also has their recreation in the spacious courts of the prisons.

53. All the industrial labour in the collective prisons is let to contractors, with the exception of that which is done to supply the needs of the Administration, such as the manufacture of fabrics for the prisoners' clothing.

54. To secure the moral reformation of the prisoners the industrial labour should be under the direction of the Prison Administration.

55. When there is competition between the contractors for the allotment of the prisoners' industrial labour, the Central Administration selects such contractors as, from the nature of the work and their personal qualifications, offer most advantages to the Administration itself.

56. In Sweden the inhabitants of the towns form only about 12 per cent. of the total population of the country. In the country men are chiefly farm labourers or miners. It consequently follows that the number of prisoners who on their commitment have learned a trade, is relatively small. More than 90 per cent. are ignorant of any trade.

57. During their imprisonment, prisoners learn the various kinds of work on which they are employed (see 49).

58. To attain the important result, that the prisoner on his liberation shall know a trade by which he can earn his living, special trade-masters, during recent years, have been engaged to give the necessary instruction to prisoners in the cellular prisons. Further measures in this direction will be adopted at an early date. One effectual plan will be to grant the greater part of

his earnings to every prisoner who in prison has learned and works at a trade capable of supporting him.

59. Short imprisonments often repeated for slight offences have, in my opinion, a pernicious influence on the prisoner; he cannot gain that settled and tranquil mind which is required for moral reformation.

60. During the last five years the number of recidivists has risen on the average to 28 per cent. But since Sweden suffered from scarcity of food in 1866, 1867, and 1868, and that consequently it was difficult for men to find work, an extraordinary addition was made in the number of crimes against property. Hence the percentage of recidivists, before mentioned, is considerably above the average.

61. The punishment of recidivists for robbery is gradually increased in severity; a fourth sentence may inflict ten years of penal labour, and in very grave cases accompanied by aggravating circumstances the sentence may be even for life. It is not considered robbery on the two first occasions if the small thefts are below twenty-one francs. This year the national Parliament has determined to lower the scale of punishment for recidivists convicted of robbery.

62. Since 1868 imprisonment for debt exists only in the case where the debtor refuses to declare on oath that he is without resources. Such prisoners are treated as prisoners awaiting trial. They therefore do no work, and are allowed to obtain better nourishment and comfort than ordinary prisoners.

63. The chief causes of crime are carelessness in youth, vicious society and examples, poverty, generally existing among the labouring population, and springing from improvidence, and a hand-to-mouth kind of life, and lastly, an ever-constant desire for spirits. An additional cause is that he who has once fallen into crime and suffered for it is generally repelled and left without help in his efforts to gain an honest living.

The re-admission of liberated prisoners into society is the more difficult, as by the law itself still in force every person who has been sentenced for crimes against property, forgery, murder, &c., is further sentenced to loss of civil rights for a time (at least five years) or for life. This covers him with infamy, and consequently excludes him from all the rights and advantages

pertaining to honourable men. His civil degradation is entered on his certificate of conduct.

With regard to crimes of violence without premeditation against persons, and which often occur in certain districts, their chief cause must be attributed in part to an ancient or inborn disposition coming from the old Vikings or pirates who made maritime expeditions to lay foreign lands under tribute, and in part to that political hostility which formerly existed between the populations on the two sides of the Danish frontier. Yet, out of the whole number of crimes, those against property amount to seventy-five per cent. Infanticide, with various degrees of guilt, is the most common crime among women.

64. Of the total number of prisoners sentenced to penal labour during the last ten years the mean average number of women has been eighteen per cent.

65 and 66. The legislation, as well as the reform of prisons, which was initiated by King Oscar I., commenced in 1840. In consequence of it, thirty-eight new cellular prisons were built in all the provinces of the kingdom. They have all aimed at the moral reformation of the prisoners. But as all those who are sentenced to penal labour for more than two years are imprisoned in the large collective prisons with common dormitories for a large number of prisoners, and as they work altogether during the day for private contractors, their amendment has not been fully attained. On the other hand, the cellular prisons are regarded as not having corrupted the prisoners. Those who have been imprisoned only in cellular prisons have not been greatly hindered by their imprisonment from finding employment in the neighbourhood of their home.

67 and 68. For about twenty-five years there have been formed in different parts of Sweden, patronage societies whose objects were the aid and reformation of prisoners; but they have had too little practical direction, and have been too dependent on the kindness of individuals, and consequently have only existed for a short time.

69. At present there are liberated prisoners' aid societies only in two provinces. They aim at obtaining work for the prisoners in the houses of steady masters; they also supply clothing, and sometimes make advances in money on the prisoner's work.

Occasionally those expressing a desire have received aid to enable them to emigrate.

Of late years it has been proposed to make greater efforts to give a more practical direction to the labours of these societies.

They will be based on the principle that if habits of order and cleanliness are obtained by discipline in prison, and the time of imprisonment is properly employed in the moral education of the prisoners and in giving them skill in industrial and agricultural labour or in such trades as will enable them to support themselves, the societies can generally find them work immediately on their liberation. For the other prisoners we wish to establish agricultural colonies where they may learn order in work, and skill in certain branches of farming; they will thus afterwards be more readily able to earn an honest living.

G. F. ALMQUIST,

Director-General of Prisons in Sweden.

STOCKHOLM: May 15, 1872.

SWITZERLAND.

1 and 2. The Swiss Confederation, composed of twenty-two cantons and embracing twenty-five states, does not, by its own power, exercise any control over the administration of penal justice and of prisons, or over the penitentiary *régime*. Military and political penal justice, so far as it is called upon to punish offences against the constitution and the federal laws, alone comes within its jurisdiction. Each canton is sovereign. It has its own special penal system and places of imprisonment. Its prisons are thus placed under the control of the cantonal executive authority, or of the council of state.

The supervision of the prisons belongs more especially to one of the departments of the executive power. In certain cantons the prisons are placed, wholly or partially, under the supervision of the department of police; in others under that of the department of justice or of the interior, according to the standpoint from which the importance of this public service is viewed. In the cantons in which recently-constructed penitentiaries are

found, the whole or part of the supervision is confided to the director of justice, or to a special department, which gives its attention not only to prisons, but also to hospitals, insane asylums, &c., &c. This department associates with itself a commission of supervision composed of three to seven members, selected from among persons experienced in questions of penitentiary reform, of industry, and of commerce. In the cantons where this machinery exists, an official regulation defines the functions of the commission of supervision. The detention prisons in the districts and the places of detention for civil penalties are supervised by the agents of the council of state—prefects, counsellors of prefecture, &c. All the cantons of Switzerland, with the exception of Jug, Glaris, and Appenzell, have reclusion prisons, of which the number of inmates rises to thirty-four, without counting a considerable number of houses of arrest, and of district or correctional prisons for persons sentenced to short police punishments. Of these twenty-four prisons, eleven are reserved exclusively for criminals, thirteen contain criminal and correctional prisoners, and some receive, in addition, prisoners awaiting trial. Four establishments receive as boarders the convicts of cantons which, without penitentiaries of their own, have only imperfect and insufficient places of reclusion. Ten workhouses and houses of correction are exclusively devoted to the treatment of correctionals. There are, besides, in Switzerland several agricultural establishments founded by the State, by communal corporations, or by societies of public utility, and designed for the education and moral reform of juvenile delinquents, or to vagrants and disorderly persons.

According to Professor d'Orelli, the prisons of Switzerland may be divided into four groups:

(1) Those of the cantons of Uri, Schwytz, Obwalden, Nidwalden, and Valais, which are administered in an altogether patriarchal manner by Sisters of Charity. (2) Those of the cantons of Fribourg, Bâle-campagne, and Lucerne, which, in every point of view, leave much to be desired. Bâle-campagne, under the pressure of necessity, contemplates replacing its too contracted prison by a new structure. (3) The cantons of Saint-Gall and of Vaud possess, especially the first, good penitentiaries on the Auburn system. The Thurgovian establish-

ment of Tobel, and that of Geneva, may be also considered as satisfactory. The same is true of Zurich, in which are found, at the same time, the systems of cellular and associated imprisonment. Here, above all, on account of buildings in progress of erection, things will be better still. Solure, Grisons, Berne, and Schaffhouse are making laudable efforts to reform their prisons, which will soon belong to this fourth class. (4) Finally, and as rising to a higher point of perfection, we cite the penitentiaries of Lenzbourg (Argovie), Bâle-ville, Neuchâtel, and Tessin, into which has been introduced, in different degrees, the progressive Irish penitentiary system.

3. The cellular system complete is applied only in the penitentiaries of Argovie (Lenzbourg), Zurich, Bâle-ville and Neuchâtel. In the Auburnian penitentiaries, and the old convict or hard-labour prisons (*maisons de force*), cellular seclusion is an exception. M. d'Orelli, in his work on the Swiss prisons, indicates the following numbers, which we group according to the systems introduced into the different establishments: First group, patriarchal system, cellular reclusion, 1.02 per cent. Second group, old convict prisons, cellular reclusion, 3.9 per cent. Third group, system of Auburn, cellular reclusion, 0.3 per cent. Fourth group, progressive system, cellular reclusion, 37.5 per cent. The penitentiary of Neuchâtel alone shows a greater number of days of cellular reclusion than of labour in association. In this establishment, erected in 1870, separation by day and night is admitted in principle, without, however, excluding labour in common workshops. As will have been seen, the system of collective imprisonment predominates. Still an effort is made to introduce individual separation, at least by night, in establishments in which common dormitories yet exist.

4. There is a general agreement that the system of collective imprisonment by day is favourable to industrial labour, and not unfavourable to the discipline, but incompatible with the moral education of the prisoners. Association in common dormitories by night is considered especially pernicious, and all that has been said by Obermaier and others on the harmlessness, and even the salutary influence, of this practice, is looked upon as illusory. Imprisonment in common by day and night, condemned in Switzerland, would already have entirely disappeared

if, in a number of cantons, financial questions had not caused the postponement of this reform. Rigid cellular imprisonment is preferable to the Auburn system, without classification of the prisoners. M. Kühne, director of the penitentiary of Saint-Gall (Auburn plan), admits individualisation as a principle, and the mixed system, if system it can be called, compounded of different elements of the progressive Irish prison system. Penitentiary education imperatively requires cellular separation, at least in the initial stage; and it is on this sole condition that the prisoners can effectively enter into communion with themselves, a process which would be impeded by the contact and influence of some, at least, of their fellow-prisoners. After the cellular stage, it is considered expedient to allow those prisoners to work together who furnish ground of hope that a moral reformation has been accomplished in them. It is under these conditions that we find associated labour in the recently-constructed penitentiaries of Lenzbourg (Argovie), Bâle, Zurich, and Neuchâtel. But in comparison with the three first named, which have large workshops, Neuchâtel has but small ones, in which only three or four prisoners can work, under the supervision of a foreman. The public opinion of our country shows itself more and more favourable to the progressive Irish penitentiary system, with revocable liberation. The exclusive cellular system should be reserved for houses of preliminary detention. In some of the cantons reforms are needed in this class of prisons.

5. In regard to the method of providing the funds necessary for the support of the prisons, the treasury of the State (cantonal) covers the deficit which exists between the entire expenditure and the special receipts of the prisons. (Industrial labour, moneys paid by cantons which place their convicts in the penitentiaries of other confederated States, &c.) The average annual cost of each prisoner is 250 francs in the smaller establishments, and 350 to 400 in the large penitentiaries. The average net gain in the majority of the cantons is from 89 to 90 centimes for each day of labour. In the penitentiary of Zurich the net gain of the prisoners, after deducting the cost of tools and other accessories, has reached an average for the last five years of 1 franc 7 centimes.

	Francs
The expenditures for clothing, food, lodgings, &c., were	0·773
Expense of the administration	0·41
	<hr/>
Sum total per prisoner for each day	1·18

The State of Zurich gives for the support of each prisoner per day, forty-four centimes. The canton of Argovie gives, as a subsidy, fifty-five centimes per man and per day. The average daily earnings of the prisoners in the Lenzbourg penitentiary amount to from 88 to 94 centimes each prisoner. The canton of Neuchâtel gave for the first year (1870) an annual subsidy of 1 franc 90 centimes per day for each prisoner. The cellular system, and the small number of prisoners (70 on the average) involve considerable expenses of a general character. The net gain per prisoner in this penitentiary rose, in 1871, to 1 franc 37 centimes for each day of labour, a larger gain than had ever been reached in any of the Swiss prisons.

In the penitentiary of Saint-Jacques (Saint-Gall) the earnings of the prisoners suffice for their maintenance, for their schooling and religious instruction, for medical attendance, and for the administration of the industrial service. The State, in this canton, includes in its subsidy, besides the loss of the interest on the capital invested in the establishment, the expense of repairs to the buildings, the salaries of the officers and *employés*, the maintenance of these latter, and, lastly, the sum which is annually granted to the prisoners as *peculium*.

6. The officers and *employés* of the prisons are named by the council of state. In the cantons where penitentiaries of recent construction exist, the officers (directors, stewards, instructors, chaplains, and physicians) are proposed by the department of justice or of police, which takes the advice of the commission of supervision. The *employés* (the foremen and overseers) are appointed by the commission of supervision, on the nomination of the director of the penitentiary.

In some cantons the officers are subjected to a re-election every three years (Zurich), or every four years (Argovie), the *employés* every year (Zurich), and in other penitentiaries the tenure of office is without limitation. It may be affirmed that, as a general thing, the officers of the Swiss penitentiaries are not exposed to the influence of political changes, and that those whose position may have been endangered by the victory

of a party have been effectually shielded by a public opinion which appreciated their merits and their devotion. In some cantons the position of the directors is made difficult by the demands of doctrinaires, who do not give themselves the trouble to examine and weigh the facts which enter into the question.

7. In cantons where efforts have been made to introduce a rational prison system, it has yet been well understood that, under a bad administration, the prisons, instead of being hospitals for moral diseases, would become seminaries of criminals. For this reason, the greatest importance is attached to the choice of officers charged with the treatment of the prisoners. As regards the moral and intellectual qualities which ought to meet in prison officers, there are found on this subject, in the literature of penology, details sufficiently numerous. Whether in Switzerland the administrators possess the necessary talents and qualifications is a question which the writer of the present report cannot and does not wish to touch upon. The governments would be better able to answer the question, although the greater part of them do not take the trouble to examine thoroughly the organization and management of the penitentiary establishments. The director of the penitentiary does not feel inclined to pass judgment upon the merits of his colleagues, and of the other officers, and still less upon his own special qualifications.

Each penitentiary establishment (Zurich, Bâle, Lenzbourg, and Neuchâtel) has a band of intelligent *employés*, who contribute effectively to the mission which penitentiary education proposes to itself. On all sides, notwithstanding, complaint is made of the difficulty which is experienced in finding for the corps of subordinate *employés* men possessing the requisite qualities and aptitudes.

8. Schools designed for the special education of prison officers do not exist in Switzerland. It is generally felt that special schools would render an excellent service, especially if a just and sound idea were given in them of the nature and aim of penitentiary treatment. Without wishing to exalt one system over another, that is, to dogmatise, a school of this kind would have the immense advantage of preparing the officers who, at present, acquire their experience at the expense of the institu-

tion. But this school would not be in a condition to form good officers and good *employés* if under persons who had not the requisite qualifications, even though possessing the desired degree of intelligence. The education of our penitentiary *employés* is usually acquired after their entrance upon their official duties, which, for a long time afterward, will not be regarded as a profession. Directors, when appointed, usually visit the model penitentiaries of other countries and study their organization. The *employés* receive, in their turn, from the directors, theoretical and practical instructions touching their official duties. Perhaps an education for the penitentiary service might be obtained by establishing in some university a chair of penitentiary reform, and by making a course of instruction in that branch of knowledge obligatory for all those who intended to devote themselves to the moral reformation of criminals. A normal school for the *employés* might be organized in establishments selected for that purpose, in which candidates might pursue a theoretical course, and might also be practically initiated into all the branches of the service. In a well-organized and ably managed penitentiary we see novices who possess the necessary aptitudes becoming in a short time entirely competent for the discharge of their functions.

9. In Switzerland, pensions are granted only in exceptional cases to public functionaries. The directors and *employés* of our prisons, when they become incapacitated for their duties, form no exception. There is sometimes granted to a functionary dismissed, because of age or sickness, three months' salary, and in case of death his family receives, in some cantons, the same gratuity. The salary of the director of a modern penitentiary ranges from 3,000 to 3,500 francs, besides a residence; that of stewards, from 2,000 to 2,500 francs, with or without residence; of the chaplains, from 400 to 600 francs; of the teacher, from 1,000 to 1,800 francs; of the physicians, from 400 to 600 francs; of the chief keeper, from 900 to 1,200 francs; of the foreman, from 700 to 1,000 francs; and of the overseers, from 400 to 750 francs per annum.

10. The difference existing between sentences to simple imprisonment, to reclusion, and to hard labour, is greater or less in the different Swiss cantons. These, as has already been said, have all penal codes of their own, which differ materially

from one another. For this reason it is not easy to give, in few words, an exact idea of the difference between the classes of imprisonment named above. Simple imprisonment, whether police or correctional, in some cantons varies from a duration of twenty-four hours at least to five years at most. This punishment, when it is of short duration, is in some cantons undergone in the district prisons. The prisoner is permitted, at his own charge, to provide nourishment and occupation for himself, after having paid the damages caused by him, and the expense of his prosecution, without which he receives the ordinary treatment, and is subjected to the customary labours of the prison. In other cantons, prisoners of this class undergo their punishments in the same prisons as criminals, from whom they are more or less separated; still all are under the same regulations. In other cantons again there exist special penitentiaries for persons sentenced correctionally. This punishment is not considered infamous; it may even, in some cantons, be replaced by a fine fixed at 5 francs per day. Reclusion occupies a middle place between simple imprisonment and a sentence to hard labour; and the reclusionary undergoes his punishment in the workhouse, where there is one, or in the penitentiary. A fine cannot be substituted for reclusion. At Zurich reclusion has a duration of from six to ten years, and the convict is compelled to labour, and is subjected to the ordinary regulations of the prison. But he does not wear the prison dress, and does not lose his civic rights. In some cantons, in Argovie, for example, the law leaves it to the judge to fix, in many cases, the duration of the privation of civic rights. Elsewhere, the dress alone differs; and the distinction between simple reclusion and hard labour is found in this, that the latter punishment is considered afflictive and infamous, whereas the former is simply afflictive. Reclusion, with hard labour, varies in its duration from one year to fifteen, twenty, twenty-five, or thirty years, according to the cantons, or even to an imprisonment for life. The death penalty is abolished in the cantons of Neuchâtel, Zurich, Thurgovia, Geneva, and Tessin. In the majority of the other cantons this punishment is abolished *de facto* if it is not by law. In some cantons reclusion, with hard labour, is aggravated by wearing chains, by an infamous dress, and by

physical privations. But these additional punishments are gradually disappearing.

11. A methodical classification of prisoners, according to their degree of morality, exists only in the establishments of Zurich, Bâle, Lenzbourg, and Neuchâtel, and will also be introduced into that of Tessin. In the other penitentiaries endeavours are also made to classify the prisoners according to their degree of morality; but frequently the architectural arrangement of the establishments does not afford opportunity to apply this classification methodically and with a chance of success. At Lenzbourg, where the progressive system has been for a number of years in use, there is found a first class, which is subjected to the cellular *régime*, and a second and third class, into which the prisoners, on leaving the first stage, are admitted to associated labour in the workshops during the day. The prisoners who belong to the higher class obtain an enlargement of privilege, and are earliest proposed for admission to the benefit of conditional liberation. Into the penitentiary of Neuchâtel has been introduced the following system of classification: A lower cellular class, in which are placed all the convicts on their entrance into the establishment; a middle class, comprising the prisoners who have been conspicuous for their good conduct and industry, and their zealous application to learning in the first stage. The greater part remain in separation, but if their character, their state of health, their kind of occupation, and the material conditions permit it, and if they themselves are not opposed to it (a decree of the great council leaves them liberty of choice on this subject), they are admitted into one of the small shops of the establishment. Finally, there is a higher class (cellular, but with labour in common during the day), which precedes liberation. Each of these classes corresponds to a relative degree of liberty, of which the prisoner may make use to satisfy, in a larger measure, his moral, intellectual, and physical wants. The principle of conditional liberation, which will sooner or later be admitted into the system, will afford the means of conducting the prisoner gradually toward freedom, and of re-introducing him into society without a too abrupt transition. At Zurich, where conditional liberation already exists, the same system of classification is applied, but, as at Neuchâtel, only for a time too limited to enable us to

announce serious results. In the penitentiary of Zurich the number of prisoners admitted to associated labour is proportionally larger than at Neuchâtel, where the cellular system is more highly esteemed. At Saint-Gall the prisoners are divided into four classes. The classification is revised and readjusted every three months. As appears from the above statement, the progressive Irish system, where it is applied, is confined in its execution to one and the same establishment. We have no intermediate prisons. The financial resources of a single canton would not permit the realisation of such a system, at least, unless several cantons should agree to unite in the common execution of a rational plan of penitentiary reform. On the other hand, public opinion, still more or less imbued with the old theory of vengeance and intimidation, would not be favourable to such a change.

12. In all the cantons prisoners may, by good conduct, obtain an abbreviation of their punishment by applying for pardon to the legislative authority (great council), which reserves to itself this right. Such reduction is rarely made conformably to fixed rules. In many of the cantons complaint is made that chance and caprice play too conspicuous a part, and that commissions of pardon do not always take account of grave and important facts. In some cantons clemency is exercised readily enough, while in others this is done only in exceptional cases. In certain cantons a decree of the legislative authority confides to the council of state, or to the department of justice, or police, the right of remitting the latter portion of their punishment (one-twelfth for example), to convicts whose conduct has been good. There is here, as in the whole penal system, a great want of congruity, yet there is observed in the confederated States, where penitentiary reform has made some progress, a tendency to bring down the use of the right of pardon to its minimum, and to substitute in its place the principle of conditional liberation; in short, to confide this function to the direction of the department of prisons, which, having the supervision of the penitentiary administration, is alone capable of judging whether or not the re-entrance of a prisoner into society offers any danger, and whether a probationary liberation may be safely granted him.

13. In most of the cantons the prisoners have a share in the

benefits of their labour. As a general thing this part has rather the character of a gratuity than that of lawful wages.

In the penitentiary of Argovie the prisoners receive their share in the following proportions: Prisoners whose earnings do not reach 30 centimes a day receive nothing; those whose earnings amount to 70 centimes a day receive 5 per cent.; 1 franc 10 centimes, 10 per cent.; 1 franc 60 centimes, 15 per cent.; exceeding 1 franc 60 centimes, 20 per cent.; and that whether their conduct is more or less satisfactory. Neuchâtel has adopted, provisionally, the same scale. At Zurich the participation in the benefits of the labour is fixed, according to the three penitentiary classes, as follows: In the first class (cellular) it is from 5 to 8 per cent., conditional upon the fact that the earnings of the prisoner are not less than 6 per cent. of the daily average earnings obtained in the branch of industry in which he works. In the second class the portion of the prisoner is from 8 to 12 per cent. In the third class, which precedes liberation, it is from 12 to 16 per cent. on the same condition. Elsewhere a percentage of the daily earnings has been introduced.

The question of *peculium* is still in Switzerland a subject of discussion, and has not been resolved. It is to form the subject of deliberation at the approaching meeting of the Swiss society for penitentiary reform.

Whatever may be the scale adopted in the different establishments, this gratuity is granted to all the prisoners who, conformably to the regulations, have rendered themselves worthy of it. It is adjusted every month, or at the end of every three months, and placed to their credit in their memorandum of savings.

14. The other rewards employed to stimulate the good conduct and zeal of the prisoners vary in kind and amount, according to the cantons and the degree, more or less advanced, of penitentiary reform. In well-administered establishments we see granted to good conduct, to application, to zeal, and progress in labour and school, the following rewards: In the second penitentiary class: extension of the favour of visits and correspondence; liberty to choose books from the library and to attend the lessons given in class; the use of snuff; liberty to have served to them a supplementary or extraordinary ration of

food, which is granted only exceptionally in the more recently erected penitentiaries, the dietary in these being sufficiently nutritive and varied. In the third or higher class there are added to the above-mentioned rewards the privilege of promenade and free conversation with their fellow-prisoners of the same class, liberty to wear their beard, to work in their free hours for themselves and their families, to adorn their cells and to have plants in them ; the use of a patch of land for a garden ; and admission to places of trust, such as foreman, to superintend their fellow-prisoners in learning trades, or to execute certain exceptional labours in the administrative, industrial, and domestic services.

15. In the cantons where the patriarchal system prevails, and where the old convict prisons still exist, the most frequent offences against discipline are disobedience and insubordination ; next come escapes or attempts to escape ; then lies ; and finally immorality in acts and words. In the penitentiaries in which the Auburn system has been introduced we find that the infractions most frequent are disorder, want of cleanliness, and violation of the law of silence. In the penitentiaries of recent construction the want of propriety and dignity, lying, idleness, and disobedience.

16. The disciplinary punishments in use may be divided into three classes. In the prisons whose organization is imperfect, and where the reformation of the prisoners is not the aim of the imprisonment, we find existing the dungeon and corporal punishments. In penitentiaries on the Auburn system, more or less completely organized, corporal punishments are gradually disappearing, and are being replaced by a diet of bread and water and by confinement in the dark or ordinary cell. In the modern establishments we see coming into vogue a new series of punishments, of a moral order, among which figure, by the side of the dungeon and the diet of bread and water, admonition, privation of work, of reading, of visits, of correspondence, and, in general, of all or a part of the diversions, alleviations, and other indulgences above mentioned. Corporal punishments are passing away, and in their place are substituted the strait-jacket and the cold douche-bath. Those who, through mischief or negligence, destroy or injure the effects,

objects, instruments, and raw material placed at their disposal, are obliged to pay the value of the damage done.

17. In most of the prisons are found registers in which the punishments inflicted are fully recorded. These registers, in the modern penitentiaries especially, give complete information as to the occasion, the kind, and the nature of the punishments inflicted.

18. Ministers of the Reformed and of the Catholic religion act as chaplains in all the prisons. In well-organized penitentiaries, where the number of prisoners belonging to each creed is sufficiently large, two ecclesiastics are charged with the duties of their respective chaplaincies. The rabbi of the nearest locality is invited to visit such co-religionists as are occasionally found in the prisons.

19. In the establishments which are imperfectly organized, the chaplains for the most part confine themselves to the celebration of public worship. In proportion as they approach the category of penitentiaries that aim at the reformation of the prisoners, we see these officers paying regular visits to them, consoling and counselling them, superintending the religious instruction of the juvenile delinquents, and fulfilling toward them all the duties of their ministry. In some of the penitentiaries it is the chaplain who has charge of the distribution of books from the prison library.

20. Religious instruction, as a means of reforming prisoners, is looked upon in Switzerland as of the highest importance and as exercising the happiest influence, particularly if the person charged with it possesses the special aptitudes suited to the high mission which he is called to fulfil, and throws aside, as far as he may, mere dogmatic questions. He should preach repentance with power and skill, set forth the divine mercy, and aid the prisoners in that self-communion which is the first step toward moral regeneration. Prisoners in whose heart the religious sentiment is not extinguished at the time of their entrance are easily impressed by the exhortations of the chaplains; on the other hand, such as do not possess it offer to the instructions of religion a soil arid and ungrateful. Among prisoners we often encounter self-deception and a tendency to hypocrisy; nevertheless, it often happens that individuals who

repudiate or are ignorant of the Bible end by finding in its pages the consolations of which they are in pursuit.

21. Persons of both sexes, not connected with the administration, are admitted into the prisons to labour for the moral improvement of the prisoners. In the cantons which have new penitentiaries, such persons are authorised to visit the prisoners in virtue of decrees of the legislative authority. This is especially the case with members of aid societies, who have free access to the prisoners whom they seek to succour. The number of these benevolent visits is relatively few even in cantons where penitentiary reform counts many adherents. Such visits, however, ought not to be allowed without many precautions. In some of the more modern establishments it is only the officers themselves who take part in the moral education of the prisoners. In the female penitentiaries lady patronesses are more frequently met with, especially in the cities which were visited in 1839 by Elizabeth Fry, and where, at the instance of that good and charitable woman, ladies' aid societies were organized to console, to place out, to watch over, and to sustain criminal women. At Zurich, where a society of this kind exists, the lady patronesses give to the female prisoners in the penitentiaries regular lessons, and take charge of their religious instruction.

22. Sunday-schools, properly so-called, do not exist. Public worship is, on that day, celebrated in the prisons, or at least the chaplain makes a visit to the prisoners. At Zurich the pastor holds a catechetical exercise in the afternoon, and afterward an instructor gives a lesson in sacred music.

23. In most of the penitentiaries the week-days are so filled up with labour, school, exercise, and study, and Sunday morning by worship, that it is thought expedient to leave to the prisoners the free employment of Sunday afternoon. It is in these hours that they are able to write letters to their relatives and acquaintances. The frequency with which they are permitted to write letters differs in different cantons.

24. In the establishments where the progressive Irish system has been introduced, prisoners of the middle class can write letters every two months, those of the higher class every month. But an extension of this favour is often granted, especially in cases where the correspondence is of such a character as to

draw closer the ties of family, to exert a good influence, and contribute to the moral cure of the prisoner. This powerful means of moral reformation is more or less neglected in establishments where the organization is imperfect. As the letters pass under the inspection of the director, his eye sometimes detects sentiments which have their taint of hypocrisy; but in spite of that the correspondence of the prisoners manifests a strong family affection, and awakens tender household memories.

25. The visits of relations and intimate acquaintances are permitted the same as correspondence, and are most carefully regulated in the prisons where penitentiary education receives the greatest attention. The internal regulations of different penitentiaries grant the indulgence of visits more or less frequently, but the average is about once a month. As in the case of correspondence, an extension of this is often accorded when the visits are found to have a salutary effect.

26. The visits are received in the presence of the director, or, in his absence, in that of the chief keeper. The design is to supervise the interview. The director or his deputy place the visitors and the prisoners as much as possible at their ease, so that these latter may look upon them as friends in whose presence they may converse freely.

27. As a general thing, the extension of the privilege of correspondence is more readily granted than that of visits, since the latter do not always have the good effect which might naturally be expected from them. Still, it sometimes happens that they have an excellent influence, especially on prisoners who believe themselves forgotten, ignored, and abandoned by the members of their family, and who see them approach in a spirit of forgiveness.

Besides, the visits enable the director to understand better the character of the prisoner and the circumstances of his family, and sometimes enable him to lay his plans with greater certainty and efficacy in the interest of the prisoners themselves.

28. The number of prisoners able to read at the time of their commitment may be estimated at 71 per cent. of the annual average number of the criminal population. In a number of cantons the convicts are not examined upon this point on their

entrance into the establishment, so that the exact proportion cannot be stated.

The following figures, furnished by the reports of the penitentiaries of Lenzbourg, Saint-Gall, and Neuchâtel will furnish the best answers :

Places	Total number of prisoners	Illiterate	Per cent.	Inferior education	Per cent.	Passable education	Per cent.	Good education	Per cent.
Lenzbourg . .	533	63	11·8	187	35·1	245	46·0	38	7·1
Saint Gall . .	1,286	668	51·9	194	15·08	347	26·9	77	5·9
Neuchâtel . .	146	18	12·3	101	60·9	27	18·4	—	—
Average . .	—	—	25·3	—	36·9	—	30·4	—	4·3

These figures do not show the general state of public instruction in these three cantons, for a considerable part of the prisoners, especially in the canton of Neuchâtel, are foreigners. But it is to be observed that although primary instruction is obligatory in Switzerland (with the exception of Uri and Geneva), and in fourteen cantons is also gratuitous ;¹ it nevertheless happens that a certain number of children escape the supervision and control of the school authorities, and reach the age of sixteen years without having regularly attended the lessons of the schools. Many, after leaving school, neglect reading and intellectual recreations to such a degree as to almost entirely forget what they had previously learned. Thus one is astonished to see among the prisoners, who figure in the preceding table the ‘inferior’ class, individuals who read with difficulty and in such a manner that reading cannot be resorted to as a recreation, and who can only write their own names.

The knowledge of arithmetic is also very limited in this class of ‘inferior,’ and the knowledge of geography and history is almost nothing, even among those who are placed in the table under the heading of ‘passable.’

29. Prison-schools are organized in the penitentiaries of Saint-Jacques (Saint-Gall), Lenzbourg (Argovie), Neuchâtel, &c. In many other establishments lessons are given by the chaplain. It even happens that these duties are confided to a

¹ Switzerland expends each year, as well for its primary as for its secondary and higher schools, the sum of twelve and a half millions of francs. The expenditures for education form one-seventh of the total budget of the Confederation and the cantons.

prisoner if he is a teacher by profession, or if he possesses the necessary knowledge and aptitude. In the penitentiary of Zurich the school, which has been closed for some time, will be immediately re-opened. Instruction is a good deal neglected in the prisons of some of the cantons where the system is patriarchal, and in many houses where associated imprisonment by day and by night is still in use.

30. In penitentiary establishments in which schools are opened, all the prisoners, except those who are excused by age—above forty-five to fifty years—and those subjected to the cellular *régime*, attend lessons in classes. The prisoners receive, on an average, from four to five hours' schooling per week. Those who are in the cellular stage are visited by the instructor in their cells, and there commence their course of instruction.

31. In the well-organized penitentiaries, the degree of education of the prisoners is verified at their entrance into the establishment. The result of this examination shows the necessity of maintaining three classes, whose programme corresponds to that of the three degrees of primary instruction. In the lower class the elementary branches are taught, and in the middle class progress is gradually made toward those branches of technical instruction which are taught in the higher class.

In the programme of the best-organized penitentiaries we see introduced even mathematics, physics, and technology, so far as these sciences are applied to arts and trades; even the modern languages are taught, French in the German penitentiaries, and German in the penitentiaries where French is the vernacular (Neuchâtel). Sometimes prisoners are permitted to take lessons in English, and often in linear drawing. The progress made differs much in the case of different prisoners. Many are remarkable for their zeal and power of acquisition, while others advance but slowly. The organ of thought, little accustomed to being used, has lost its force. The power of memory is often wanting, and the result in these cases is a stupefaction which leads to indifference. Still, the average progress made is highly satisfactory, especially in the case of juvenile delinquents, for whom, after all, this supplementary and tardy instruction can alone have any very great importance after their liberation.

32. Circulating libraries are found in all the prisons. In those of the cantons where prison discipline is little advanced the number of books is limited, and works exclusively religious predominate. In the penitentiaries which are better organized the libraries are composed of moral and religious books, of works of general history and the history of Switzerland, of biographies, of travels, ethnography, natural history, of works on mechanics, agriculture, belles-lettres, &c., &c. Romances of a moral character (above all those of the Swiss authors, Bützins, Gottfried Keller, Urbain Oliver, Fritz Berthoud, Louis Favre) are not excluded. The library of the penitentiary of Zurich, for example, possesses 800 works, consisting of 1,500 volumes; that of the penitentiary of Neuchâtel, though of recent creation, counts 500 volumes; that of the penitentiary of Saint-Jacques has also a rich and varied collection of moral and instructive works. This establishment, like that of Zurich, Argovie, &c., has, in addition, a collection of special works, designed for the *employés* of the penitentiary.

33. The prisoners read, relatively, a great deal in the penitentiaries, where they pass Sunday in their cells, and where they have at their disposal a variety of works. They generally prefer moral tales, such as those of the authors just named, and those of Erckmann-Chatrain, and of Henri Tschokke; next come narratives of voyages, biographies, Swiss and general history, and works of popular science (discoveries, inventions, technology, &c.). Reading is found to have a very beneficial effect upon the prisoners. It enlarges the circle of their general knowledge, and by fuller explanations of what they had learned in the way of routine, it develops also their practical knowledge. It is by keeping their minds continually occupied by labour, or by moral and intellectual recreations, that that self-respect is oftenest awakened in prisoners which constitutes the best guarantee against self-abuse. These elevating and noble agencies calm an ardent imagination, and often put to flight ideas inspired by base passions and by vicious and criminal sentiments.

34. The greater part of the modern prisons, and of the old ones which have undergone recent changes in their construction, have a system of sewers which, in a hygienic point of view, are open to no serious objection. The system of pits prevails still,

and it is only in the recent penitentiaries (at Lenzbourg and Neuchâtel, for example) that we find a system of drainage that leaves little to be desired. At Zurich, by the side of pits and *latrines*, arranged on the plan of Duspetian (*Architecture de Prisons*) is seen the system of movable vessels and of pipes for carrying off liquid substances.

35. The water supplied for the use of the prison is, for the most part, sufficient in quantity. The old prisons have each at least one fountain in the court. The penitentiaries of recent construction are abundantly supplied with water, which is distributed into all parts and to all storeys of the building. At Zurich, for example, the penitentiary, which occupies the buildings of an old convent, has a spring of water which is reputed the best in the city. This establishment is also furnished with pipes by the company which supplies the city with water. The penitentiary of Lenzbourg has, like that of Zurich, a spring which enables it to distribute water *ad libitum*. That of Neuchâtel receives its water from the city company, and has at its disposal, for an average of seventy prisoners, ten to twenty thousand litres for each twenty-four hours. The quality of the water is for the most part good.

36. A system of ventilation other than the doors and windows is found only in the modern penitentiaries, such as those of Lenzbourg and Neuchâtel. In them the ventilation is combined with a system of heating. Each cell is furnished with a ventilation pipe, whose opening is in a recess at the side of the door of entrance at the bottom of the wall; a recess closed on the side of the corridor by a little iron door, and in which is placed a water-closet, having a hydraulic fastening. Each pipe is in communication with larger condensing conduits, which communicate directly with the great chimney of the steam-boilers; this draught-chimney, about six feet in diameter and ninety or a hundred feet in height, incloses an inner one of iron, eighteen inches in diameter, which produces a powerful draught. A special furnace is so placed as in summer to heat the inner iron chimney, with the object of keeping up the ascending current, and increasing, as may be needed, the ventilation. The vitiated air thus drawn out from the cells carries off, in passing the recesses mentioned above, the emanations that have been generated there.

37. The best ventilation would be of no avail, especially in prisons where the aggregation of prisoners is relatively large, and where the cells and dormitories are not spacious, if means were not taken to ensure their cleanliness. In all the prisons one or more prisoners are detailed to sweep and clean the corridors, the stairs, the courts, the water-closets, the workshops, the doors, and the windows. The special supervision of this important service is confided to the chief keeper. In the cellular penitentiaries, each prisoner is charged with keeping his cell and its furniture in a condition of perfect cleanliness. The flagging of the cells of the penitentiaries of Lenzbourg, Bâle, and Neuchâtel is of asphaltum, which makes it easy to keep them clean. The yards of the cells are whitewashed every year or every two years. If their condition requires such a reparation before the regular time, it is done at the expense of the prisoners. A clean cell and well-kept premises produce on prisoners accustomed to live in filthy apartments a hygienic and moral influence.

38. Personal cleanliness is not neglected in the well-organized penitentiaries. On his entrance into the establishment the convict receives a bath, and after having been examined by the physician, changes his clothing, often foul and filled with vermin, for the prison garb. The dress of the prisoners, in the modern penitentiaries, has nothing of a degrading character; the greater part of the cantons have continued, for prisoners, the striped costume. The prisoner finds in his cell a wash-basin and towel; soap is furnished gratuitously, or at a very slight cost to the prisoner. A punishment is inflicted on those who neglect to wash their face and hands, to comb their hair, to brush their clothes, &c. The prisoners are shaved every eight days; their hair is cut once in six months. The wearing of the beard is permitted as a reward to those who distinguish themselves by their good conduct, and who, having reached the higher stage of penitentiary education, show themselves worthy to wear the token of manhood. The body-linen, the pocket-handkerchiefs, the working-aprons, and the cotton stockings, are changed every week; cravats and woollen stockings every fifteen days; the sheets every month in summer, and once in six weeks in winter. The prisoners take a bath regularly every month

(Neuchâtel), and every two or three months in other modern penitentiaries. The prisons which have no heaters to prepare the baths offer, as regards the cleanliness of the prisoners, conditions least favourable.

39. The privies are still very primitive in the old prisons, where association by day and by night still exists. They are adjacent to the hall, and are separated from it only by a door. In others are found large glazed earthen vessels, with covers more or less tight, which are regularly emptied into the adjoining *latrines*. In the cells of the modern penitentiaries we find, in the recess indicated above, enamelled iron vessels, whose covers close hermetically. These vases are emptied regularly by a prisoner charged with this service. They are voided into the adjoining *latrines*, or into a moveable pit, which is afterward emptied into another, that is immoveable, at some distance from the buildings. Workshops have privies situated in an angle, and isolated by one or two doors, which are sometimes glazed. The water-closets in modern penitentiary establishments are placed on the north side, separated from the cells; they have basins provided with a deodorising apparatus, and are abundantly supplied with water for purposes of cleansing. In the other prisons the privies fulfil only to a limited degree the conditions required by sanitary science.

40. The method of lighting by gas has been introduced into the penitentiaries of Zurich, Bâle, Neuchâtel, and Saint-Gall. Every cell is provided with one burner, which may be closed by a stop-cock placed outside the cell. Thus all danger of suffocation or attempts at suffocation is prevented. At Lenzbourg petroleum is used for lighting the cells and the workshops. In winter, during the evening of Sunday, the prisoners are also permitted to have light. In other establishments only the workshops are lighted with gas (Geneva and Lausanne). Finally, in the prisons of an inferior order we find the petroleum lamp or the simple candle, as a means of lighting the workshops and the common dormitories.

41. The heating, as the lighting, of the prisons differs very much, as they are of old or recent construction, and as the system of prison discipline is more or less advanced. At Saint-Gall, Lenzbourg, Bâle, Neuchâtel, and Zurich are found furnaces which warm by steam all the cells and other parts of

the establishment. The detention prison of Neuchâtel is warmed by means of a hot-air furnace. Heating by steam is, as we have said, combined with the system of ventilation. The tube which is designed to warm the cell is a simple enlargement of the pipe. It is placed vertically in a recess, and is separated from the cell by an iron plate, perforated with holes to allow the heat to pass through. On the side of the corridor there is an opening, opposite the tube, by which the amount of cold air to be admitted may be regulated. In the greater part of the prisons we find ordinary stoves, made with varying degrees of excellence, and the heating is effected by means of wood or peat. The penitentiary of Tessin, which is situated in a warm climate, has no system of artificial heating.

42 and 43. Iron bedsteads are used in many of the penitentiaries. At Lenzbourg, Bâle, Neuchâtel, and Geneva they are fastened to the wall on one side, and are moveable, so that they can be turned up and padlocked. Elsewhere, most commonly, the bedstead is of wood. Everywhere the beds are composed of a paillasse, or of a sack filled with cow's hair or moss, of one or two linen sheets, of one or two woollen blankets in summer, of two to four in winter, and of a bolster or pillow filled with grass or straw.

42 *bis*. The dietary of the prisoners varies much in the different cantons, and according to the importance which is attached to penitentiary training. Where the moral reformation of the prisoners is not made the principal aim of the imprisonment, the dietary is but little varied, and is not sufficient to restore the losses caused to the bodily organs by hard labour. Meat seldom figures in the bill of fare (in some prisons the prisoners have it only twice a year). Prisoners long subjected to such a diet suffer more or less from a deficiency of blood. In proportion as penitentiaries become better organized and administered the dietary is improved, and substances containing nitrogen form a larger proportion of it. The number of daily meals is three. Breakfast consists, in most of the prisons, of gruel or oatmeal porridge; and the quantity is, on an average, from a pint-and-a-half to a quart. In French Switzerland (at Neuchâtel, Lausanne, and Geneva) the prisoners receive from one-half to three-quarters of a litre of coffee (*café au lait*). At Lenzbourg the breakfast consists on each alternate

day of soup and coffee. Dinner consists, once a week or oftener, of a soup (three-fourths to one litre) prepared with bread and vegetables varying with the season and the meat. For the preparation of this meat soup there is allowed 250 to 500 grammes of meat, without bone, per man and per week. In certain penitentiaries (Lenzbourg, Zurich, &c.) the quantity of meat authorised is spread over several dinners during the week. The meat is cut into little morsels and is distributed with and in the soup. In other penitentiaries it is given as a ration and by itself. At Lausanne there is added to the half-pound of meat four ounces of raw bacon. At Geneva there are given on Sundays 250 grammes of boiled beef, and on Thursday the same quantity of hashed pork, prepared with potatoes. The distribution of this meat soup takes place, in certain establishments, on Tuesday and Sunday (Saint-Gall); elsewhere on Monday and Thursday (Neuchâtel) of each week, so that these more substantial and nutritious meals may fall in the midst of the working days. The herb soup is made with bread, grain, or vegetables in season, among which potatoes too often preponderate. The evening meal consists of a soup prepared with rice, with barley or oats, with wheat-flour, or with sea-moss, with or without the addition of potatoes or macaroni. The quantity of bread allowed to each prisoner varies from 750 to 800 grammes a day. Fresh water is the ordinary drink. As a general rule prisoners in health are not supplied with wine. In some establishments there is accorded to those who have reached the higher penitentiary stage an authorisation to furnish them at their own expense extra milk or a ration of supplementary or extraordinary solid food. Those who are engaged in toilsome labour receive a supplementary supply of milk (Zurich, Neuchâtel), and, in very exceptional cases, of wine (Lenzbourg). The choice and combination of aliments which should form the bill of fare of the three daily meals are but rarely regulated in such manner that the diet of the prisoners is varied as much as it might be, and that the food consumed in twenty-four hours contains the nutritive, nitrogenous and non-nitrogenous substances in just proportions. A man insufficiently fed is little disposed to submit himself to the reformatory influence of the best penitentiary education.

44. The hours of labour vary according to the kinds of

occupation introduced into the different establishments. Where a large number of prisoners are engaged in agricultural labours or on public works there is less regularity than in penitentiaries where industrial labour predominates. Still it may be said that the number of hours of daily labour is, on an average, from ten to twelve. In summer (from April 1 to September 30) work begins at 5 o'clock in the morning, and in some establishments a half-hour sooner. In winter (October 1 to March 31) at 5½ or 6 o'clock. On Sundays and feast-days the signal for rising is given a half-hour or an hour later than on working-days. Work is regularly suspended at 7 or half-past 7 A.M., half-an-hour for breakfast; at noon, an hour for dinner; and in the evening, a half-hour for supper. At 10 A.M. and at 4 P.M. there is very generally granted a recess of a quarter to half-an-hour. After the cessation of work, which occurs at half-past 7 or 8 o'clock P.M., the prisoners have still a half to three-quarters of an hour at their disposal for intellectual occupations, but only in penitentiaries where they pass the night in separate cells. An hour of exercise and an hour of school complete the day's programme. This last hour should be curtailed in those penitentiaries where there is no schooling, and where only an hour or two on Sunday are given to this object. The hour of exercise is accorded only to those who work in the cells or in the shops. In the modern or reorganized penitentiaries, the average number of hours of labour is twelve; that of recreation (exercise, school-lessons in cell, reading, &c.) is four, to which must be added the hours of Sundays and feast-days. These last are more or less numerous according to the religious creed.

45. In regard to the treatment of sick prisoners: The above programme is applied only to prisoners in health. Those who are indisposed or sick are, on the order of the medical officer of the prison, excused from work. Slight indispositions are treated in the cells or in the common dormitories; those more seriously sick receive medical attention in the infirmary, which is found in the penitentiaries of the two higher classes indicated at the commencement of this report. The infirmary, presided over by the physician of the establishment, who has under his orders an officer detailed to duty therein, leaves little to be desired, especially in the modern penitentiaries. There is generally

found there a small dispensary, and everything that is necessary for medical treatment. Prisoners seriously ill cannot receive attention in the old prisons. The sick in this case are transferred to a hospital. Prisoners who present symptoms of mental alienation are conveyed to a lunatic asylum.

46 to 48. The diseases most common are inflammation of the bowels, bronchitis, inflammation of the pleura and lungs, rheumatic affections of the joints and muscles, pulmonary consumption, enlargement of the lymphatic glands, and diseases of the nervous system. Contagious diseases—typhoid fever, syphilis, the itch, &c.—are always imported; and their number—especially of venereal affections, chronic complaints, and the itch—is relatively high in some of the cantons. At Lenzbourg the number of the sick varies between 2 per cent. (light cases) and $1\frac{1}{2}$ per cent. (cases more serious) of the days of imprisonment. During the last six years this penitentiary has registered nineteen deaths, which is about 3 per annum on an average of 370 prisoners. Of the five who died during the year 1870, three owed their death to pulmonary phthisis. In the penitentiary of Bâle we find, in 1867, 2·85 per cent. of days of sickness. Of 330 prisoners there were 126 cases of sickness, and two deaths (apoplexy of the lungs and consumption of the liver).

Zurich, with an annual average of 407 prisoners, has had, during the last ten years, sixty-four cases of sickness, which is 15 per cent. of the whole number; or, in other words, 26 per cent. per annum of the average daily number of prisoners, which was 241. In this penitentiary the number of prisoners who died was 6·3 per annum, being 1·54 per cent. of the prisoners present during the year, or 2·61 per cent. of the average daily number. The penitentiary of Geneva indicates 5 per cent. as the proportional number of its sick. That of Lausanne gives 3 per cent. as the average annual number of deaths. Of 307 prisoners who underwent their punishment in this establishment, there were 3,497 days of sickness, out of 63,217 of imprisonment; twelve persons alone counting about 2,000 days. The cases of chronic maladies cited are, phthisis, pleurisy, and scurvy. Four deaths occurred, two having been caused by pulmonary phthisis, and the other two by an affection of the heart and pulmonary œdema. There was one case of insanity. The annual report of the penitentiary of Berne, for 1867, shows, out of an average daily number of

428 prisoners, 176 sick, who were treated in the infirmary, and 14 deaths, three of which were from pulmonary phthisis and two from pneumonia. The number of deaths in the penitentiary of St.-Gall, from 1858 to 1863, during which years 1,286 prisoners were received into the establishment, amounted to 70. At Lucerne, the average number of days of sickness was, in 1867, 25 to each prisoner for the year. At Schaffhausen, there were 545 days of sickness out of 9,943 days of imprisonment. The frequent catarrhal affections of the organs of digestion (dyspepsia, diarrhœa, colic, &c.) are, in a great measure, due to the too great uniformity of the living, and the want of sufficient exercise in the open air, under the vivifying light of the sun. These injurious influences, added to sadness and remorse, give rise, secondarily, to that prison scrofula which is observed, in proportions more or less marked, in the different penitentiaries, and which often terminates in pulmonary phthisis. During the three years from 1868 to 1870, two suicides are noted at Lenzbourg, and fourteen cases of insanity, more or less grave, which were ascribed less to the imprisonment than to a hereditary or individual predisposition and the influence of remorse and misery. At Neuchâtel there were observed during the year 1870, out of 146 prisoners, two cases of insanity, one of which had already been treated in a hospital, and the other was occasioned by drink. At St.-Gall, from 1858 to 1863, there were nine cases of insanity (six men and three women) out of a prison population of 1,286. If there are observed in the prisons pulmonary phthisis and other diseases in proportions which demand serious examination, these establishments, and particularly those of recent construction, seem, on the other hand, to present a remarkable freedom from epidemic diseases. When the cholera prevailed at Zurich, not a single case developed itself among the prisoners. It was the same at Lenzbourg during an epidemic of measles which prevailed in the neighbourhood, and by which adults were attacked. At the time of the entrance into Switzerland of the army of Bourbaki, there was established, close to the penitentiary of Neuchâtel, a lazaretto for persons affected with varioloid; and though the penitentiary establishment was required to furnish meals to the sick and to their nurses, and to apply disinfectants to the bedding, no case of small-pox occurred in the prison. It is true that a

general re-vaccination had taken place. Similar observations were made in the penitentiary at Bâle.

49 to 52. The distinction between penal and industrial labour is made, in the Swiss prisons, by law only in the cantons where there still exists the system of the old hard labour prisons, in which a certain class of prisoners are subjected to public labour, viz., in sweeping the streets, making roads, dyking rivers, agricultural labours, &c., &c. This distinction is not made in the penitentiaries in which the reformation of the prisoner is proposed as the end. Doubtless many kinds of labour are disagreeable and little attractive, and the persons engaged in such labours would not voluntarily submit to them if they were free; these labours thus acquire a penal character. In some of the penitentiaries prisoners are sometimes subjected to labours of this kind on their entrance and during the continuance of the first part of their cellular stage, or those are thus employed who, from the intermediate stage, have been returned to their cells; or, again, the indolent, the intractable, &c. This penal labour is a sort of disciplinary punishment. The labours belonging to this class are: The sawing and cutting of fire-wood, the plaiting of straw, the culling coffee, the manufacture of envelopes and cornucopias, of wooden boxes, &c., &c. Nowhere is there found in Switzerland a penal labour of the character of the tread-mill. Hard ignominious public labour, such as still exists in some cantons, is not unfavourable to physical health, but has a bad moral effect. The penal labour introduced into our modern penitentiaries as a light disciplinary labour is applied only temporarily; it is not injurious to the health of prisoners, and, as it often produces *ennui*, they seek to regain the confidence they had lost, so as to be admitted to more interesting and more profitable labour. We find in the greater part of the penitentiaries various branches of industry carried on, among which the more general and the more important are: Weaving, shoemaking, tailoring, carpentry, varnishing, upholstery, cooperage, working in wood, brush-making, locksmithing, blacksmithing, working in tin, book-binding, paper-ruling, lithographing, watch-making, turning, basket-making, laundry-work, embroidery, and knitting. For persons sentenced to a short imprisonment: The stuffing of chairs, the making of slippers, the

manufacture of mats, of sieves, of bee-hives, of envelopes, of paper monkeys, and of wire trellis-work. Then come domestic labours of various kinds, and office occupations.

53 to 55. Industrial labour in the prisons of Switzerland is managed by the Administration itself. The attempts which have been made in some prisons to let the labour to contractors for a fixed daily sum were very speedily abandoned. Orders are received in the penitentiaries. The raw material is furnished by the Administration or by those who order the work; the tools belong to the establishment. The keepers, who act at the same time as foremen, superintend the work, and calculate the value of the workmanship and of the raw material employed. Account is taken in this calculation of the prices current. Everywhere they endeavour to deliver merchandise carefully manufactured; and thus, as a general rule, the industrial products of our prisons are in good repute. Preference is given in the modern penitentiaries to the management of the Administration over that of contractors as being better fitted for penitentiary training. The Administration, being supreme, can introduce a greater variety of industries, and suit to these latter the different aptitudes presented by the prisoners. The consequence of the distribution of the prisoners on a larger number of industries is, that each branch is restricted to a relatively small number of workmen, and hence free labour has no occasion to fear an injurious competition. We endeavour to create a demand for the products of prison labour, rather by the excellence and solidity of the manufacture than by low prices. Were it otherwise, the penitentiaries, which ought to be at the same time industrial schools, would be turned aside from their proper end. In Switzerland it is found that penitentiary training is incompatible with the system of letting the labour of the prisoners to contractors. It is the Administration alone that can feel an interest in teaching a trade to every prisoner during his stay in prison, so that at the time of his liberation he may be independent, and able to gain an honest living.

56. The number of prisoners not having a regular business at the time of their commitment is relatively considerable. Nevertheless, the tendency is shown to be towards a diminution, if comparison is made between the results of statistics for

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the last twenty years in the penitentiary of St.-Gall. This belongs, evidently, to the progress of civilization. By including in this category, domestic servants, day-labourers, and people without any occupation, without homes, we obtain the following figures: Domestic servants form 33 per cent. of the total number of prisoners; day-labourers, 9 per cent.; vagrants, 4 per cent.; making an aggregate average of 48 per cent. This average varies somewhat in various cantons, according as any particular industry is there more or less developed, and the population more or less fluctuating. It must be remarked that among those who, when they enter the prison, are artisans or industrial workmen, many have served but an insufficient apprenticeship; so that, of 50 per cent. who claim to have learned a trade, there is scarcely a fourth part who can produce a respectable piece of workmanship.

57 and 58. The preceding figures show clearly that the want of a trade is not without its influence in the law which controls the causes of crime. Hence it is sought in all the penitentiaries, particularly in those more recently built and organized upon a rational plan, to give a trade to the prisoners, and above all to juvenile delinquents, to those who have to undergo an imprisonment of one or several years. In all the penitentiaries, it has been remarked that numbers of the prisoners acquire, in a short time, the ability to do that which free workmen would be able to execute only after a long apprenticeship. Apprenticeship to a trade, which requires a certain degree of intelligence, and is, at the same time, to the taste of the prisoner, is one of the principal agencies in reforming him. Without industrial labour of this kind, no satisfactory result can be expected from a penitentiary system, and relapses will be inevitable. A trade learned in the establishment is worth more to the prisoner than the support and succour of a patronage society. It is well understood in the cantons somewhat advanced in penitentiary science that it is important, in order to prevent relapses, not only to make the prisoner an able workman, but also to teach him during his incarceration to help himself. In view, there have been introduced in most of the prison reformations arrangements by which zeal and diligence in labour the habit of saving are stimulated. The scale of the prizes, as has been said above, in many of the establishments

with the augmentation of labour. In the better organized penitentiaries further effort is made to attain this result by a careful apprenticeship to the trade chosen by the prisoner, by making him acquainted with the nature of raw materials, the places from which they are obtained, and their market value; also with the tools and machines employed; the price current of the articles manufactured; and by teaching the manner of calculating the value of the workmanship. The prisoners are more or less associated with the Administration through their industrial labours. If, by their good conduct and their aptitudes, they come at length to deserve the necessary degree of confidence, they are called to fulfil the functions of foremen. There is thus afforded to every prisoner the opportunity of developing and manifesting his power of initiative. Technical works and journals on different branches of industry are placed in the hands of the workmen. Writings of the character of Franklin's 'Poor Richard' afford material assistance in this system of penitentiary education.

59. But all these salutary influences are lost in the case of prisoners sentenced to a short imprisonment. The directors of the Swiss penitentiaries are unanimous in regarding repeated short sentences for minor offences as a pernicious judicial practice, which is followed without reflection. The sentiment of justice, as well as the moral reformation of the prisoner, requires that the repression be more serious and more adequately protracted in the case of individuals who form the habit of crime, and who appear to make it the basis of their character. The effect of these short imprisonments becomes worse on each successive conviction. The recidivists fall deeper and deeper, and the prison cannot lift them up. During the short stay they make in the penitentiary establishment, it is impossible to teach them a trade, or even to make them apt at work. The recidivists sentenced correctionally have more or less lost the moral sense and self-respect. The influence of the penitentiary education cannot affect the individual of this class, who, on entering the establishment, counts the exact number of days which separate him from freedom. These subjects undergo, more or less patiently, the restraint imposed upon them; they are indifferent, and little heed the present or the future which awaits them. On the other hand, too protracted

imprisonments (twenty to twenty-five years) plunge the prisoner at last into apathy and despair.

60. The proportional number of recidivists can be given only approximately. The statistics in the different cantons are not made out in a uniform manner. In some establishments, account is made of all prior sentences—police, correctional, and criminal; in others, they embrace only those which have been pronounced within the canton, or even notice only the punishments undergone in the same establishment. The greater part of the cantons expel from their territory liberated prisoners of foreign birth, and give themselves no further trouble about them; so that it may happen that the cantons whose penitentiaries contain numerous non-residents of the canton may have fewer recidivists to be registered. In spite of the defective state of the statistics we may estimate an average of 30 to 45 per cent. as the proportion of recidivists in cantons where the penitentiary system has made least progress, and from 19 to 25 per cent. as that of the cantons whose penitentiaries are well organized. The efficacy of a penitentiary system may be indicated, up to a certain point, by the number of its recidivists. But this rule has numerous exceptions in Switzerland. The diversity in the modes of punishment does not allow us to draw from the numbers indicated an indisputable conclusion. It would be necessary to take account of the preventive measures, which are more or less effectively applied in the different cantons. In the canton of Argovie (Lenzbourg), where penitentiary education is conducted with care, there were counted, from 1865 to 1867, forty-five recidivists out of eighty-seven prisoners; and from 1868 to 1870 only forty-four to one hundred and fifty, among whom fourteen were not natives of the canton. Thus the recidivists form 25 per cent. of the criminals of Argovian origin, and 37 per cent. of those not born in that canton, making an average of 28 per cent. So that in the space of six years there was a cheering diminution in the number of recidivists, and it must be attributed, in great part, to the penitentiary system applied in that establishment, and also to the efforts made to aid and protect liberated prisoners. The correctional recidivists form, in that same canton, 50 per cent. In the canton of Bâle-ville (one-third of the prisoners in cellular reclusion) the number of recidivists is from 18 to

19 per cent., and that figure is caused, in great part, by women abandoned to prostitution and vagrancy. In the canton of Saint-Gall, of 1,286 persons sentenced criminally and committed to the penitentiary of Saint-Jacques (Auburn), during the first twenty-five years of its existence (1839 to 1863), the recidivists were 248, being an average of 19·5 per cent. This penitentiary has been, for many years, under the direction of a man as humane as he is enlightened. In the canton of Lucerne, which possesses an old hard-labour prison, the number of recidivists rises, *per contra*, to 40·4 per cent. The number of female recidivists is 50 per cent. in the canton of Argovie. Woman, more than man, resists the seductions which lead to crime; but when she has once succumbed, her moral degradation is greater and more rapid than is the case with man, and her falls more frequent.

61. The existing codes denounce a severer punishment against prisoners convicted more than once. Some sentence them to the maximum of the punishment incurred; others add to this punishment its moiety, and even more, in the excess of the maximum. Every sentence, for an offence exceeding six months, becomes an aggravating circumstance in the case of the person who, having suffered it, is prosecuted criminally. In the cantons of Argovie and Zurich, it is only at the third relapse that the aggravation of the punishment commences for criminals, which punishment is then carried to ten years of reclusion, in the first-named of these cantons. The recidivists of this class are besides subjected in the penitentiary to a cellular separation of longer duration, and even throughout the whole term of their punishment, if they show themselves depraved to a high degree. This last system exists also in the cantons of Zurich, Bâle, and Neuchâtel.

62. Prisons for debt exist only in a few cantons, and it may even be said that, where such prisons are still found, the constraint of the body has fallen into disuse. In a number of cantons the State authorises the restraint of the body, in default of payment of the expenses of justice; but this imprisonment is of short duration, and often is not inflicted at all. This punishment is regarded as correctional, and has no character of infamy.

63. In examining the table of crimes and misdemeanours, we

observe that the number of those committed against property (petty larcenies, thefts, abuses of trust, &c.) constitute 65 to 70 per cent. of the total number; that the number of attempts against life (murders, homicides, infanticides) is 10 per cent.; acts of incendiarism, 5 per cent.; and the remainder comprises cases of counterfeiting, false accusations, &c., &c. These figures sufficiently indicate the direction followed by the will of the persons forming the criminal class. Mr. Mühler, director of the penitentiary of Lenzbourg, makes the following reflections on the causes of crime in the canton of Argovie: The most frequent cause of crime is a bad education, which early gives to the will a fatal direction toward evil, or which, at least, stifles in the character the moral power to resist evil suggestions. Among the correctionals the influence of an evil education is more marked than among the criminals. This is explained by the circumstance that the former are mainly recruited in the pauper class, which is deprived of everything that might give to the child a good education. Many of these correctionals have never enjoyed the family life; they are orphans or illegitimate children, who have been placed by the commune (we have in Switzerland obligatory communal assistance) or by philanthropic societies, with one, or, successively, with several keepers of boarding-houses. In both cases, these children are rarely in conditions favourable to their education. We find, on the other hand, among the criminals, a certain number belonging to the higher classes of society, whose education has been less neglected, who have themselves lived in favourable conditions, and who sometimes had gained an honourable position in society. Sensualism, which has been developed in them by an irrational system of education, is, in the greater number of cases, the predominant cause of their crimes. Next, we encounter other persons who have learned a business and who have not yet arrived at that state of utter indolence which is so often marked in the correctionals. In a higher degree than these last the criminal prisoners have ties of family; either they are able to count on the support and succour of their relatives during their imprisonment and after their liberation, or they have a wife and children. The correctionals, on the contrary, are, for the most part, without family, without relatives, without friends, and possess neither sufficient

energy nor sufficient perseverance to create for themselves a domestic hearth. The predominant characteristic of such a manner of living is levity and heedlessness, which, if other aggravating circumstances come in aid of them (drunkenness, debauchery, &c.), as often happens, degenerate into a depravity whose character is that of a stupid indifference, rather than the necessity of doing wrong. Another source of crimes and misdemeanours, nearly as prolific as the preceding, is drunkenness, often accompanied by other excesses. The number of criminals, small and great, abandoned to drunkenness, or who at the moment of the criminal act were under the dominion of drink, is by no means inconsiderable, forming at least 50 per cent. of the total number of crimes committed by men, and this proportion is even higher among the correctionals. Governments and societies of public utility have been occupied, and are constantly occupied, in seeking out the best means to combat this vice, but they are very far from having attained the object of their pursuit. The number of misdemeanours occasioned by wine is considerable in some of the cantons, and the liberty of the wine traffic, pushed to its utmost limits, causes, in a number of these cantons (Neuchâtel, for example), the commission of one crime as the effect of wine to every one hundred and four persons of the population. In others, an impost upon wine drives the pauper class to the consumption of brandy. That which is worst in the vice of drunkenness is not the criminal act which it has directly or indirectly caused, but much more the moral waste which the drunkard gradually suffers, and which causes him to lose all perception of the most elementary laws of morality. Happily, in Switzerland, there are generally few criminals by profession; that is to say, who are impelled toward evil as the result of a hereditary moral anomaly, or of a deplorable education. Nor is the number large of those who have become criminal by a deliberate purpose, through hatred of society and its laws, who find a fascination in crime, and who conceive that they have a right to the exercise of their vengeance. In the greater number of cases this criminal tendency is increased by drink and debauchery. It may be admitted that all those criminal natures whose earliest movements are in the correctional domain, reach at length that of crime. Anger, the absence of reflection, in a word, any sudden

over-excitement, combined commonly with the influence of drink, is a frequent occasion of crime. In the majority of these cases it is observable that the moral character of the criminal had been previously, to a certain extent, vitiated. Reverses of fortune, domestic troubles, the death of a good mother, may be an occasion of discouragement, followed by prolonged inactivity, drunkenness, and debauchery, vices which prepare the soil in which criminal thoughts speedily germinate. But such cases are less frequent among us than vulgar rapacity, sordid avarice, and the mania for litigation, which is also frequently a cause of crime of a kindred character. Poverty and misery do not often, in Switzerland, become direct causes of crimes and misdemeanours. They act only indirectly, since, for the most part, they are the result of bad education, which is the easy road conducting to depravity of a greater or less intensity. It often happens, again, that clothing, watches, money are stolen, and that misery is indicated as the cause of these larcenies. But if these cases are carefully examined, it is found that want is rarely the impelling cause, and that more frequently the authors of these offences were leading a dissolute life, and that their notions of morality were becoming weaker, if, indeed, they were not already totally effaced. Many of these petty thieves themselves excuse their crimes by alleging the destitution and misery in which they found themselves. The following statements, extracted from the triennial report (1868 to 1870) of Lenzbourg, and which may be applied to many of the Swiss cantons, gives an interesting view of the causes of crime. We transcribe it, however, under reserve, since it is impossible to classify with precision the immediate causes of crime.

Of one hundred and ninety criminals, among whom were one hundred and seventy men, we find ninety-two, equal to 42 per cent. of the men, who were addicted to drunkenness, or who committed their crimes in a state of intoxication. The proportion is 60 per cent. among the correctionals. Of one hundred and ninety-two criminals thirty-nine, or 15·6 per cent., were criminals in the true sense of the word; forty-one, or 21·3 per cent., were in a state of moral decay; eighty-five, or 44·3 per cent., became criminals through levity of character; thirteen, or 6·7 per cent., became so as the result of the

wretched condition in which they lived ; twenty-three, or 12 per cent. committed their crimes in a moment of sudden excitement. Of two hundred and forty-four correctionals, nineteen, or 7·8 per cent., were criminals in the proper acceptation of the word ; one hundred and five, or 43 per cent., were in a state of complete moral prostration ; one hundred and six, or 43·4 per cent., had committed the fault through levity of character ; twelve, or 5 per cent., in a moment of passion ; and two as the result of unfortunate circumstances. If the proportion of those addicted to crime, as a profession, is higher among the criminals than among the correctionals, that is compensated by the inverse proportion of correctionals who have lost all sentiment of duty and of honour. Out of 296 orphans admitted into the penitentiary of Neuchâtel 72 per cent., or almost three-fourths of imprisoned criminals and correctionals were deprived in their infancy or their youth of paternal or maternal aid ; 23 of them had neither father nor mother. Orphans are especially numerous among recidivists and correctionals. The number of crimes would be reduced among us to its minimum if the education of orphans and of illegitimate and unfortunate children were the object of a solicitude more concentrated, more steady, and more methodical. Modes of relief are not wanting in Switzerland ; we have communal assistance ; we have numerous and well-inclosed alms-houses ; and above all, we have voluntary aid, which is designed to supplement that of the communal corporations. These last are not sufficiently careful in choosing the families to which they confide the education of orphans and deserted children. Honest families which, from charity and a true Christian devotion, receive under their care such unfortunates are still too rare. Old men who need assistance are sometimes placed by the communes at board in poor families, where they run the hazard of becoming mendicants, vagrants, and thieves. Primary instruction is obligatory in all the cantons except two, and gratuitous in several ; yet, in spite of this, it happens in these cantons that children escape from control and do not avail themselves of the benefits of instruction. It is the same with mendicity, which is interdicted by law, but which continues still in spite of the bureaus of relief and assistance, because many persons cannot refuse alms to paupers who knock at their gates, and make an appeal

to their hearts. Gambling-houses may be said no longer to have an existence among us. That which is opened in the canton of Valais is the object of general censure, and its licence will probably not be renewed. The love of gaming exists notwithstanding, and the too numerous idlers who frequent the wine-shops seek habitually diversion and excitement in gambling. Public houses of prostitution are tolerated only in a few great centres of population. Secret prostitution is by no means wanting. Finally, there ought to be named as one of the sources of crime the defects of most of our systems of penal legislation and the absence of a suitable penitentiary system in several of the cantons. Efforts are made to dry up all these sources of crime, but this labour of moral hygiene does not proceed with sufficient concert of action. In the several cantons progress is made with different degrees of slowness. The result is that the success of those cantons which have introduced reforms into their penal and penitentiary systems is compromised by numerous cases of relapse, coming from neighbouring cantons less advanced. In order to hasten the realisation of progress throughout all Switzerland many voices have been raised, on occasion of the revision of the federal constitution, to demand, if not the centralisation, at least the unification of the penal code, the promulgation of federal laws to insure the greater diffusion of education, to regulate the assistance to be given to paupers, to abolish gambling-houses, &c., &c. These reforms will be realised some day. But such a work requires time, which indeed is demanded by the general law of human progress.

64. In the prisons of Switzerland, the two sexes are represented in the following proportions: The men form an average of 80 and the women of 20 per cent. This average varies slightly in different cantons. In some the women are but 15 per cent. of the total prison population.

65. The study of social questions, undertaken by numerous societies of public utility, and the reports presented in the meetings of the Swiss society for the reform of the penal system and of prison discipline, have enlightened public opinion to such a degree that the legislative assemblies of most of the cantons are favourable to the propositions made with a view to the introduction of penitentiary reform into all

our prisons. On the other hand, public opinion declares itself in favour of expenditure designed to improve the condition of criminals only after the State has supplied the country with hospitals, insane asylums, orphan houses, schools, &c., &c., that is to say, with all needful establishments designed for the honest poor. In all the cantons where these institutions are found, the old theory of penal repression, based on vengeance, has given place to more humane ideas, the responsibility resting on society as regards the causes of crimes is better understood, and the system introduced into most of the prisons has for its aim the reformation of the prisoners. It is true that the penal codes of many of the cantons are based on punishment, intimidation, and expiation. But, despite the text of the codes, which was often written prior to the reform of the prisons, it is sought in the penitentiaries, particularly in those which we have grouped in the two superior classes, to employ agencies which may combine at once repression and reformation. While in some cantons (those of the two inferior groups) the principle of repression is alone admitted, we see the canton of Zurich setting a good example by declaring, in its penal code, October 1870, that the application of punishment ought positively to have for its object the reformation of the criminal. This principle, which some day will be applied in its whole length and breadth, dates only from yesterday. Hence we need not be surprised that the country is found in that transitional period when the principle of intimidation still struggles against the moral reform of criminals. The spirit of vengeance is not entirely extinguished; it still shows itself whenever any atrocious crime has just been committed. But the moment of indignation is transient, which shows that an immense progress has already been realised, and that its development proceeds without cessation, in spite of occasional reactionary movements.

66. The favourable results obtained in the moral reformation of prisoners, subjected to the penitentiary *régime* of the modern establishments, incite the others to a revision of their penal codes. No doubt there are many criminals and correctionals in whose case the influence of the improved penitentiary system does not make itself felt. As among the insane, there are incurable moral maladies; persons in whom the moral sense has been completely perverted suffer themselves to be impressed

in a penitentiary only by the evil which they find there, and show themselves insensible to the good which is sought to be accomplished. On the other hand, the greater number are far from being depraved, and the moral force of those who form this class increases in the prisons. At the moment of their liberation they feel themselves reconciled to society, and they have the firm intention of regaining, by their good conduct and by honest toil, the esteem of their fellow-citizens. It is not easy for a prisoner to carry into effect his good resolutions. He has to confront many prejudices, to conquer many obstacles, and to resist many temptations, to which he would sometimes succumb if some charitable hand were not extended for his succour.

67 and 68. It is with a design of preventing relapses among liberated prisoners, with or without a trade, that there are formed in most of the cantons patronage societies. The canton of Saint-Gall was one of the first to give its attention to this subject. Thirty years ago the resolution was formed in that canton to establish a penitentiary house, organized on the principle of the reformation of prisoners; but its execution was essentially subordinated to the formation of a society which should have for its mission the supervision of liberated convicts. In the autumn of 1838 the penitentiary of Saint-Jacques was finished, and on November 24 of that same year there was passed on criminal punishments a new law, which declared in article 6:—

After his liberation, it will be the duty of every prisoner who is a citizen of the canton, or has his domicile there, to place himself, for three months at least to three years at most, under the protection of a patronage society.

On the 15th of the same month the grand council of Saint-Gall adopted, in regard to the administration of its penitentiary, the following resolution:—

ARTICLE VI.—The commission of direction will take care that all the liberated prisoners find an honest support and be placed under patronage. In this view it will endeavour to found a special society, to which the minor council will be able to confide the care of the liberated prisoners, in conformity to a rule approved by the council.

These arrangements greatly facilitated the organization of

the patronage society of Saint-Gall. Thus, on June 10, 1839, the society was organized, and on the 21st of the same month its statutes were ratified by the minor council, which, in its letter missive, expressed the hope that it would accomplish by incessant devotion what the law could not exact. The system on which this society was founded has undergone no modifications down to the present time, and it has even been confirmed anew by a decree of August 16, 1860. It is to be remarked that the committee is authorised to hand over to the police of the canton every individual whom it is unable to keep under its supervision, or who has rendered himself unworthy of its protection—an authority which has hitherto proved almost useless. In the canton of Zurich a patronage society was founded in 1865. It differs from that of Saint-Gall, inasmuch as it is based on liberty of action, and is subject to no governmental restriction. Its protection is granted, in preference, to juvenile delinquents, and it extends its aid not only to prisoners discharged from the penitentiary, but also to those who have undergone their punishment in a district prison. At Saint-Gall the patronage committee receives from the director, six weeks before the liberation of the prisoner, information relating to his age, his conduct, his trade, and the causes of his sentence, and decides at that time whether the prisoner is deserving of patronage, and what measures ought to be taken in regard to him; whereas at Zurich the director and the chaplain of the penitentiary, being themselves members of the central committee, are officially called upon to give, orally, the information required, and to submit to it the propositions which they judge suitable as regards the patronage of the discharged prisoner. When that is done, the president selects from among the members of the committee, for each prisoner, a reporter charged with drawing up a paper in relation to the cases, and after discussion the committee takes a definitive resolution. In order that the patron may become acquainted with the prisoner and question him concerning his plans for the future, permission is granted to visit him before his liberation. It is admitted in principle that the society is not to bestow its care upon those who, morally and materially, have no need of it, or refuse it, or give no hope of improvement from it. This fact, like many others, shows that there are reforms necessary in

our penal legislation in regard to the duration of punishments. The annual reports of the central committee of Zurich show that the work of patronage is there in full activity. The patronage society of Berne, organized in 1864, owes its existence to the Society of Public Utility. Its organization does not differ in any essential point from that of the societies of which we have just spoken, and, like that of Zurich, it is based on the principle of free action. In the report of the labours of the first year the committee makes the following observations:—

At first we had in view only the patronage of prisoners whose previous and present conduct offered sufficient guarantees. It was necessary that the first essays should not be an occasion of discouragement to the society. Our earliest efforts disappointed us. We had no success, and it was only when we had the courage to afford aid to recidivists and great malefactors that our success became complete. Although Mr. Dick, chaplain of the establishment, did not cease to speak to the prisoners of the many benefits of patronage, both in the pulpit and in his personal visits, we had only now and then an application for assistance. There is occasion to propose this question, which is worthy of a serious examination, to wit, Whether it would not be expedient that the patronage society have, by law, an official position.

In the canton of Bâle-ville it is now some years since the Philanthropical Society and the Society of Public Utility have added to their vast and laudable field of activity the patronage of prisoners sentenced criminally and correctionally. They give their attention specially to juvenile prisoners, whose moral regeneration offers a better chance of success, and they take great pains to find places for them as apprentices. Hitherto the results obtained have been highly satisfactory. In 1835 a patronage society was formed at Neuchâtel, and for some years was actively engaged in its appropriate work. Its labours were resumed in 1844 by a new committee, which had at first the material and moral support of the Government, but subsequently had no other resources than those obtained through voluntary contributions. It obtained no moral results, became disheartened, and ceased to exist during the political events of 1848. The principal cause of these disappointments was, as we think, the absence of a rational penitentiary system. Hence,

at the opening of the present penitentiary, by a spontaneous movement, many persons residing in the six districts of the canton started the project of the formation of a patronage society for liberated prisoners. This society was organized and its regulations adopted April 6, 1871. Like all the voluntary societies, it manifests, at the commencement of its career, much zeal and enthusiasm for the object to which its efforts are directed. The cantons of Lucerne, Thurgovia, Appenzell, Vaud, and Glaris have also societies organized similar to those of which we have just spoken. In the canton of Argovie much zeal is shown in the patronage of liberated prisoners, and as in this canton conditional liberty is authorised by law, it has been proposed to charge the consistories, that is, the elders of the churches, with the supervision and care of liberated prisoners. But as in this canton the principle of the separation of Church and State has just been decided upon, patronage will now be confided to the officers of the civil state. Wherever they exist patronage societies aid discharged prisoners by their counsels, watch over their conduct, shield them from evil enticements, and purchase the clothing, tools, &c., which may be needed by them. They endeavour to aid their beneficiaries by procuring work rather than by giving them assistance in money. In spite of all these efforts, the results do not correspond to our desires, and, as may be seen from what has been said, there is not sufficient unity in the organization of patronage. This is a great inconvenience, which the Swiss society for penitentiary reform is seeking to remove, by bringing into mutual relation all those persons who, in the different cantons, occupy themselves with the patronage of liberated prisoners.

69. The restricted limits of the present report do not permit us to discuss the imperfections of our penal system, and of the discipline of our prisons. What has already been said gives indications of the reforms to be desired. We therefore limit ourselves to a *résumé*, under the following heads, of the reforms which still remain to be accomplished :—

(1) The unification of the penal code, based on the principle of the moral reformation of prisoners.

(2) The reform of our detention prisons for persons awaiting trial.

(3) The increase of the number of reformatories for juvenile

delinquents and vicious boys, and also the reform of work-houses and houses of correction for vagrants and idlers.

(4) The erection of penitentiaries in cantons which have only the old-fashioned prisons, which are incapable of rational transformations. Two or more cantons might come to an agreement to establish a penitentiary in common, or they might make arrangements with a canton which already has one, or found other establishments to be used as intermediate prisons, agreeably to the progressive Irish prison system.

(5) The special education of prison officers and *employés*.

(6) The reform of the disciplinary and educational *régime* of the penitentiaries, with a view to the moral regeneration of the prisoners.

(7) The direction and supervision not only of the administration of all the prisons, but also of preventive institutions (such as public assistance, orphan houses, agricultural colonies, refuges, patronage societies, &c.,) in the hands of special officers of the Government.

(8) The united action of the State and voluntary philanthropic societies and societies of public utility.

(9) Finally, the perfecting of all institutions whose aim is the prevention of crime, whether in the domain of education, instruction, social conditions, &c., or of that of police and of justice.

Dr. GUILLAUME.

Neuchâtel.

UNITED STATES.

1. *Prison System.*—It should be remembered that the great North American Republic is composed of nearly forty separate States, with local self-government, and a dozen dependencies not yet elevated to the rank of States; that these fifty jurisdictions are, in matters of crime and punishment, independent of each other, and very little controlled by the national Government; that they vary in antiquity, from Virginia, New York, and Massachusetts—which have been inhabited by the Indo-European races for more than two centuries and a half—to the new territories of Dakota and Montana, which ten years ago were occupied only by roving savage tribes; and that, consequently, almost every variety of social condition prevails in this vast area, larger than half of Europe, and more populous at this moment than any European nation except Russia.

As a nation, the United States have existed for nearly a century, their separation from the British Empire being coeval with the first improvement of prisons, resulting from the labours of John Howard. Consequently, the prison system of America, like all the modern systems, dates no farther back than 1784, when the old Walnut Street Prison of Philadelphia was built, and the first organized effort to improve prison discipline in the United States was made by the Pennsylvania 'Society for Alleviating the Miseries of Public Prisons,' of which Dr. Franklin was one of the founders, in 1787. The national Government, as now established by the Federal Constitution of 1787, dates from the same period; but it has never much concerned itself, as a Government, with the prison system of the country, its first step in that direction being the appointment of Dr. Wines, in 1871, as a commissioner to organize the present International Prison Congress. Whatever has been done, therefore, has been the work of the separate States of the Union, and almost wholly within the present century. The oldest penitentiary now in use is probably that of Massachusetts, at Charlestown, near Boston, which was begun in 1800, and began to receive convicts in 1805. Among

the county gaols there are probably a few older than this ; but the greater number, both of state and county prisons, have been built since the beginning of the world-wide controversy between the advocates of the cellular or Pennsylvania system, and the silent or Auburn system, now generally known as the *separate* and the *congregate* systems of prison management. This controversy, opened in America about half a century ago, took a concrete and practical form with the opening of the Auburn and Sing-Sing Penitentiaries in the State of New York, built on the congregate plan, with separation at night in single cells ; and the two penitentiaries of Pennsylvania, at Philadelphia and at Pittsburg, built on the separate plan, with cellular imprisonment day and night for each convict.

These four prisons, and the remodelled Charlestown prison, constructed on the Auburn plan, had all been opened in 1830, and were visited a few years later by the illustrious French Commissioners, MM. Beaumont and de Tocqueville. At that period—say forty years ago—and for fifteen or twenty years afterwards, it was an open question in the United States whether the Pennsylvania or the Auburn plan of construction and management should be followed ; but such is no longer the case. The States like Rhode Island, New Jersey, &c., which had partially adopted the Pennsylvania system, have now all gone over to the Auburn plan ; the new States, of which a dozen have been created since 1835, have all adopted the Auburn plan ; and even in Pennsylvania the cellular system has been abandoned in one of the two state penitentiaries and many of the county prisons. At the present time there is but one state prison managed on the cellular system—the Eastern Penitentiary at Philadelphia—which contained on May 1, 1872, but 595 convicts, out of an estimated total of 16,500 convicts of the same grade in the whole United States. That is to say, less than 4 per cent. of the long-sentenced convicts of the whole country are now confined in cellular prisons ; the other 96 per cent. being confined in congregate prisons, managed more or less strictly on the Auburn plan. Of the county, district, and city prisons, containing persons waiting trial, and convicts sentenced for minor offences, the proportion managed on the cellular system is still smaller. The State of Pennsyl-

vania alone has any cellular prison of this grade, and the number of their inmates on May 1, 1872, did not probably exceed 750; while in the rest of Pennsylvania, and in the other States and Territories, the number of prisoners of the minor grades, exclusive of juvenile delinquents in reformatories, was probably between 20,000 and 25,000 on May 1, 1872. This would give less than $3\frac{1}{2}$ per cent. of the whole number confined in cellular prisons, and this percentage, say one-thirtieth of all, probably would hold good for the number of prisoners of all grades in the United States confined in cellular prisons; the estimated whole number in confinement on May 1 being not less than 38,500, or a little less than one prisoner to every 1,000 inhabitants of the whole United States.

It is evident, therefore, that the system of association, as opposed to the Pennsylvania cellular system, prevails in the United States; the relative proportion of prisoners under the two systems being as 96.5 to 3.5 in every hundred. In regard to the classification of prisoners in other respects, the broad distinctions are those named above—*state* prisons and *county* prisons. States or commonwealths are the federal units of the American republic, and of these there are 37; but the units of each State are the *counties*, numbering, in the whole country, about 2,100. In each of these counties there is, or may be, a county prison, and in some of them there are two, three, or four. In the 37 States there are now 39 state prisons and two state workhouses; the latter in Massachusetts and Rhode Island. In two States, Florida and Delaware, there are as yet no state prisons; in Pennsylvania and Indiana there are two each, and in New York there are three state prisons. Reckoning about 40 state prisons in all, the average number of their inmates, for the last year or two, has probably been about 16,000; but for the last year the number has been increasing. Of this average number, the State of New York has furnished about 2,700 in its three great prisons; Illinois 1,300 in its one prison; Ohio a little more than 1,000; Pennsylvania a little less than 1,000; Massachusetts (including the workhouse convicts) nearly 900; California almost 800; and Missouri nearly 900; so that these seven States supply about half of the convicts of the higher grades of crime. The same is true of the inmates of the city, county, and district prisons of all grades.

who, in these seven States, average now probably nearly 10,000, out of a total in the whole country of perhaps 22,000. These numbers are nothing more than careful estimates, while the average in the state prisons is quite exactly computed; the fact being that nobody knows exactly the number of the county prisons in the United States, much less the average of their inmates; nor is the number of the town and city prisons known, nor the average of their inmates. The district prisons—intermediate between the state and the county prisons—are few in number, and are very well known. These four classes, municipal (town and city), county, district, and state prisons, include all places of confinement in the United States, except for juvenile offenders.

In all these prisons, of all classes, when the last census was taken (June 1, 1870), the number reported in confinement was 32,208, but this is known to have been too small. The true number, even at that season of the year—the summer—when the fewest persons are in prison, was not less than 35,000, and in the winter of the same year it no doubt rose to more than 40,000, with an average number through the year of at least 38,000. If we suppose the same to be the average number in confinement during 1871, and 16,000 to be the average number of state prison convicts (neither being far from the true number), it is probable that 8,000 of the remaining 22,000, and perhaps even half that number (which would be 11,000), are held in gaol awaiting trial or sentence; while from 11,000 to 14,000 are under sentence in the minor prisons of counties and districts, for offences of less criminality than are punished in the state prisons.

As for the sex, nationality, age, &c., of these prisoners, we confine ourselves to general statements, we shall be within bounds in saying that not more than one in six of the 38,000 persons mentioned as the average prison population of the whole United States are women. In Massachusetts, where the proportion of women to men is largest among prisoners, varies from one in three to one in four; but in some of the States it does not exceed one in ten, and the proportion is much less even than this in the prisons of the highest grade of the state prisons. In that of Missouri, on May 1, 1872, there were 861 men and only 23 women, or one in 38; in the Illinois

state prison, at the same date, there were 1,299 men and only 14 women, scarcely more than one in 100. In the gaols and minor prisons, the proportion of women is much greater. In a period of ten years—from 1862 to 1872—the Detroit House of Correction, in Michigan, received 2,405 commitments of women, in a total of 8,744, a little less than a fourth part; while in the Boston House of Correction more than a third part are women. In the Boston gaol, however, there were less than 500 women committed out of a total of more than 4,400.

The nationality of the prisoners is more difficult to determine; but in the Northern and Western States, a majority of them are of recent foreign origin, chiefly Irish and German immigrants, or their children; while in the Southern States a great majority of the prisoners are of the African race. Thus, in Massachusetts, where the statistics concerning prisoners of all classes are more carefully tabulated than in any other portion of the country, less than a third part of the ten or eleven thousand persons annually committed to prison are the children of American-born parents, and more than three-fifths of all are returned as foreign-born. It is probable that this proportion is exaggerated in the returns, including some that are of foreign *parentage* rather than of foreign *birth*; but there is no reason to doubt that in Massachusetts and in New England generally, at least two-thirds of all the prisoners are of foreign parentage, and more than half of Irish extraction. In the great State of New York the same thing is true; in Pennsylvania the proportion of prisoners of foreign parentage is less, but still very large; and although Ireland furnishes more of them than any other European country, Germany comes next in order. Thus, of the *foreign-born* convicts in the two state prisons of Pennsylvania, who make about one-fourth of the whole number, Ireland furnished nearly one-half, and Germany almost a third part. In these two prisons there were received in the forty-four years, from 1827 to the end of 1870, 10,778 convicts, of whom 2,716, or 25.2 per cent. were *foreign-born*; and no doubt as many more were of foreign *parentage*. Among 8,744 convicts, sentenced to Mr. Brockway's House of Correction, in Detroit, Michigan, in the ten years ending December 31, 1871, no less than 4,456 are set down as *foreign-born*, more than 50 per cent. of the whole number. Of these, 2,717

were born in Ireland, 916 in the Canadian Provinces, 458 in England and Wales, 453 in Germany, 270 in Scotland, 141 in France, and 141 in other foreign countries. If those of foreign parentage, born in the United States, were added to the foreign-born, they would make three-fourths of the whole number, probably; and at least half of the 8,744 must have been of British and Irish parentage. The proportion of foreigners in the higher prisons is less, however, than in the city, county and district prisons; although certain high crimes, such as burglary, are generally the work of criminals of foreign birth or parentage.

In the sixteen States which formerly held slaves, and in which the coloured race is found in great numbers, the proportion of coloured prisoners far exceeds that of the foreigners of the white prisoners in general. Thus in the Maryland state prison, on May 1, 1872, there were 676 convicts, of whom 411 were coloured, and only 202 white, although the white inhabitants of the State exceed the coloured in the proportion more than three to one. In the Kentucky state prison, at the same date, 308 convicts out of 608 were coloured; the number of white and coloured inhabitants of the State, by the census of 1870, being respectively 1,098,692 and 222,210, or nearly five to one.

In Maryland, out of 669 convicts, whose nationality is given, only 63 are reported as foreign-born; this, however, is nearly one-third part of all the whites in the list. In Alabama, among 360 convicts, 282 were coloured, and only 15 were of foreign birth. In the Mississippi state prison, out of 360 convicts in 1870, 273 were coloured, and only 87 white, the population of the State being more equally divided between the two races. In the North Carolina state prison, among 389 convicts, only 87 are white, while 302 are coloured. Probably, two-thirds of all the prisoners in the former slaveholding States are, at the present moment, coloured men and women, although the white population is to the coloured in those sixteen States (Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia) nearly as two to one. And on the whole it may be said that there are 5,000,000 coloured inhabitants of the United States, and that

11,000,000 of recent immigrants and their descendants within the last forty years, who together make up but two-fifths of our whole population, supply not less than two-thirds, and probably three-fourths, of the prison population of the United States.

The age of this prison population, which at any one time has been taken as 38,000, but which includes, perhaps, 250,000 persons that have been in prison for longer or shorter periods, does not vary very much in the different States. They are generally young men and women, their average age rarely exceeding 30 years in any part of the country, and generally being not much over 25 years. The 8,744 convicts at Detroit in ten years averaged nearly 35 years old; but excluding the 2,247 recommitments, the age at first imprisonment would not have exceeded 25 years probably. Out of 7,092 convicts received at the Eastern Penitentiary of Pennsylvania, in 43 years, 4,685, or 66 per cent., were less than 30 years old; and if we exclude the 558 reconvictions, and consider only the 6,416 convicts actually received at the Eastern Penitentiary, it is probable that their average age would not exceed 28 years, while 70 per cent. of them would be found to have entered under 30 years old. Indeed, the average age of the reconvicted prisoners admitted there in 1871 was less than 29 years. Of 669 convicts in the Maryland state prison, the average age was about 27 years, and 350 of them, or more than half, were under 25 years. Of 303 convicts in the Kansas state prison, 196, or nearly two-thirds, were less than 25 years old, and the average age of all did not exceed that. Of 203 convicts received in the Michigan state prison in 1871, 97 were 25 years or under, and the average age was $28\frac{1}{2}$ years. In the Alabama state prison in 1870, out of 360 convicts, 259, or nearly three-fourths, were under 30 years old, and the average age did not much exceed 25 years. These examples will be sufficient to show the condition of our prison population in respect to age.

The statistics of illiteracy will be given in another place. But, for convenience, it may here be said that not more than 6,000 of our 38,000 prisoners now in confinement are women; that 6,000 or more are of the coloured race, and that probably 20,000 are of foreign parentage; that nearly 20,000 are wholly

illiterate; and that more than 25,000 are less than 30 years old.

2. *General Administration.*—It has already been remarked that the national Government takes no share in directing the prison-system of the United States. Each of the 37 States manages its own prisons; and although there are a few prisons under national control in the Territories, the majority of convicts there are placed in some of the prisons of the States. For example, the Albany Penitentiary in New York, and the Detroit House of Correction, in Michigan, which are both district prisons, receive convicts from the United States courts in the Territories. Convicts sentenced in the national courts of any State generally serve out their sentence in the state prisons of that State, under the direction of local officials controlled by state laws.

In the individual States also there is, generally speaking, no central authority governing all the prisons of a State, although the last ten years have developed a tendency to establish such a central bureau in several of the States. Generally, the bureau is charged with the inspection of prisons only, and has no power to regulate their management or appoint their officers. Such bureaux exist, under the name of boards of charities, in Pennsylvania, Ohio, Michigan, Illinois, Wisconsin, and Missouri; and similar boards in Massachusetts, Rhode Island, and North Carolina take some part in prison inspection, or management, or both. In New York the state board of charities is expressly excluded from any direction or even inspection of the prisons, and the three great prisons of that State are placed under the control of another board, known as the Inspectors of State Prisons; while a private society with public duties, the New York Prison Association, of which Dr. Wines was for many years the secretary, is allowed, and indeed required, to inspect all the prisons of the State and the counties. Nothing that can properly be called ‘*central authority*’ over all the prisons of a State is known to exist anywhere in the Union; but wherever there is the nearest approach to this, the results are the most satisfactory. Without it, there is, at best, a great lack of method and of the highest prison discipline; and oftentimes gross abuses prevail in many of the local prisons. These have been revealed, to some extent, in official reports within the past

five years; notably in New York, Pennsylvania, Ohio, Michigan, Illinois, and Wisconsin; and were a searching investigation to be made in Massachusetts, no doubt such would be revealed there. As a rule, each city and county manages its own prison, and where a city or county has several prisons, these are very likely to be under distinct officers or boards of management, which have little acquaintance with each other, and little knowledge of the general system of prisons in the State.

Hence, if we find in any State a prison exceptionally well managed, like the Albany Penitentiary, under the management of General Pilsbury and the Detroit House of Correction, under that of Mr. Brockway, in Michigan, it by no means follows that the other prisons will be good; and it may happen that a spirit of envy or jealousy will prevent the managers of one prison from adopting the improved system which has been introduced at another prison. The chief defects of this disorganized condition of prison management spring, however, from a mutual ignorance of the condition and working of prisons that should co-operate with each other; and one great advantage derived from the meeting of the Cincinnati Prison Congress was a better acquaintance of prison managers with one another, and a wider knowledge gained by them of the prisons in their own and in other States. There is no better illustration, probably, of the whimsical lack of all proper centralisation of prison authority in the United States, than the present condition of the laws and their administration, as regards prison inspection and management, in Massachusetts—the State which is often considered, and certainly considers itself, as foremost in prison discipline, not only in America, but in the whole world. In some respects, no doubt, Massachusetts holds an advanced position, but whether this is true of her system of prison management may be judged from the facts now to be stated. Within her borders are three distinct classes of prisons—those of the State, of the fourteen counties, and of the cities and towns. There are two state prisons, viz., at Charlestown, near Boston, and at Bridgewater, not far from Plymouth, wholly distinct in their management, except that the Board of State Charities, which has the power of discharge at Bridgewater, has the general inspection of both, but with no authority to appoint officers or to establish rules in either. The Governor

and Council of the State have also general powers of inspection, and can pardon convicts in the Charlestown prison, as well as appoint the chief officers of both state prisons. But, besides these two boards of inspection, there is also a board of inspectors for Charlestown, and another for Bridgewater, quite independent of each other; and these two boards, in concert with the warden or master of either prison, manage all the details of its affairs, and report both to the Governor of the State and to the Board of State Charities. There is a prison commission also, which has no duties concerning the Charlestown prison, but which may visit and inspect the other; there is an 'advisory board' of ladies, to assist the prison commission; and, finally, there is every year a prison committee of the State Legislature, which visits and reports upon both state prisons, but has no power to do anything further. Thus there are *seven* distinct commissions to look after these two prisons, including in all no less than *thirty-seven* official persons, all more or less charged with the duty of inspection, but without any practical co-operation with, or subordination to, each other. Then there are fourteen counties in the State, each containing one gaol, and several containing two or three each, which are under the control of the county sheriffs, chosen by the people, for terms of three years, and of a board of commissioners in each county chosen in the same way. But in the largest county (Suffolk), and the smallest (Nantucket), there are no county commissioners; the municipal governments of Boston and of Nantucket Town taking their place. These gaols are also inspected by the Board of Charities (when it chooses) and by the Prison Commission, the Advisory Board, and the Prison Committee of the Legislature; and may be inspected by the Governor, who has power to remove the county sheriffs. There are nineteen of these gaols, each controlled and inspected by *six* different boards, including in all about *seventy-five* official persons. Then there are fifteen other county prisons for convicts, called houses of correction, thirteen of which are managed by the county commissioners above-mentioned; one by the 'selectmen' of Nantucket Town; and one, the largest of all, by a Boston board, called the Directors of Public Institutions of the City of Boston, which also has under its control another great Boston prison, known as the House of Industry. In each county the

commissioners appoint another board, called Overseers of the House of Correction, who are to inspect those prisons and have some control of their management; these number in all about forty, and the Boston board has twelve members, thus adding some *fifty* non-official persons to the long list. All the houses of correction may be visited and inspected by the Board of Charities, the Prison Commission, the Advisory Board, and the Prison Committee, as well as each by its own overseers and commissioners, or directors, and by the Governor and Council, who have the pardoning power jointly with the overseers; so that there are *eight* distinct boards, comprising about *one hundred and twenty* persons for these fifteen prisons. The Boston House of Industry, however, is exempt from all inspection save by its own directors and the Prison Committee of the Legislature. Next come the city and town guard-houses, or police-stations, of which, perhaps, there are 120 in the whole State, under the charge of the municipal governments, and rarely inspected by anybody else. The managers of these small prisons probably number about 300, and are annually elected by the people. Finally, there are the city and town workhouses, large and small, numbering, perhaps, a dozen in all, and managed by a few of the same 300 municipal officers. In all, we may count up for the Massachusetts prisons not less than 350 different official persons concerned in their management and inspection; the number of prisoners in them all never exceeding 3,500 at any one time.

From this we might infer that the Massachusetts prisons were thoroughly inspected, however perplexing might be the system under which it was done. But, in fact, there is no municipal inspector who has been in all the municipal prisons; no county inspector who has been in all the county prisons; few state inspectors who have been in all the county prisons or any of the municipal ones; and no one person in the State who has ever visited half of the prisons it contains. Consequently, there is no proper knowledge anywhere of the relation of one part of the prison system to the rest, and no proper *system* at all, but only a confusion of laws, rules, boards, and details. There are wheels in plenty, and wheels within wheels, more than the sacred prophet saw in his vision; but there is no 'spirit within the wheels' by which they are regulated and made to move

harmoniously. Probably, no other State enjoys so complicated and various a prison system as Massachusetts, in which are as many devices and contrivances as in the cabinet where the Abbé Siéyes, in Burke's famous satire, manufactured constitutions for France. Unfortunately these devices, however ingenious, result in neutralising responsibility, deadening the public vigilance, and opening the door to culpable neglect and to petty corruption. The instruction, the reformation, the discipline, and even the life of poor prisoners may be sacrificed in the medley and delay of so much legal machinery; for each of these important things, like Johnson's hero, is

Condemned, a needy suppliant, to wait
While ladies interpose and *boards* debate.

In connection with the Massachusetts prisons, three isolated facts offer themselves to the recollection of the present writer, not connected by any necessary chain of cause and effect with the system just described, but perhaps illustrative of it. During a debate concerning one phase of the prison question in the Massachusetts Legislature, on the 6th of May last, a Boston member, who had probably never seen the inside of ten among the 150 prisons of his State, remarked complacently, and evidently with the approval of the House, that 'Massachusetts had the best prison system in the world.' A few weeks previous—in consequence of the acceptance of a gift by the highest prison superintendent in the State, at the hands of a contractor, who gave it for the manifest purpose of securing a favourable bargain for himself from the prison government—the last touch had been given to this perfect system, in the same Legislature, by the passage of a law forbidding any prison officer to take bribes. And just a week after the speech above cited, that is, on May 18, the grandson of one of the most illustrious statesmen of Massachusetts in former years—a youth of amiable character, but unfortunate habits, was fatally burned in a Boston guard-house, through the neglect of the policeman who had locked him up there, alone and helpless, and in the midst of combustible materials. Thus, on one side of the official eulogist, is corruption in the chief officer of the highest prison, long undetected and still unpunished; while on the other side is a horrible casualty in the lowest prison, of which official negli-

gence was the direct cause. It may not be unjust to consider these events as a commentary on the intricate prison system of Massachusetts, itself the successive growth of many years spent in trying to avoid what can alone govern prisons well—a central, simple, and vigilant method of control and inspection. But of such a method there is no example in a single State of the Union as yet known to the present writer. Perhaps the prison administration of the small and populous State of Rhode Island comes nearest to this ideal. In general, the results of prison discipline depend wholly on the management of each individual prison, and have no reference at all, or a very slight one, to any comprehensive system; for none such exists in America.

3. *Discipline*.—Considering, therefore, each prison by itself, it becomes impossible to give a single definite answer to the questions asked under this head. There are, perhaps, 1,000 prisons in the United States large enough to have the word ‘discipline’ applied to their management; and in these every variety of discipline, lack of discipline, and abuse of discipline is found. In a great many, nothing is sought but the security of the prisoner and the convenience of the prison-keeper; in many others, the discipline is ‘intended mainly to be deterrent,’ but, through laxity or severity, becomes a stimulus to crime: in some it is really deterrent without being reformatory in aim or result; in a great many the nominal aim is reformation, but the reasonable means thereto are neglected; in a few the wise combination of deterrent and reformatory means is attempted, and succeeds in either direction, or in both, according to the skill, opportunity, and perseverance of the prison government. But the great majority of prisons in the United States are, in fact, neither deterrent nor reformatory to any great extent; sometimes because no effort is made to comply with the laws—which almost everywhere require in terms this twofold discipline, though they do not often furnish suitable means—and sometimes because the best agencies are not employed or are not continued persistently. The deterrent agencies are solitude, silence, hard fare, and constant labour; sometimes also severe punishments are employed. The reformatory agencies are instruction, secular and religious, industrial training, the encouragement of shortened sentences for good conduct, etc. By some of these means, ‘it is sought to plant hope in the breast

of the prisoner and keep it there,' and to these are added gratuities for work, the visits of philanthropic persons, and of the prisoner's own family, and the promise of help in leading an honest life upon his discharge. Conditional pardon, which enters so largely into the Irish convict system, has little place in ours, the 'commutation laws,' by which sentences are shortened for good behaviour, being almost the only feature of the Irish system much in use here, and that not very systematically.

Probably punishments are more relied on than rewards in governing the prisons; but there is not much variety of either in most of them. Flogging is forbidden by law or usage in most of the States, but it is practised in some prisons where it is forbidden. The same is true of the yoke, the shower-bath, the iron crown, and other methods of torture. Deprivation of privileges, solitary imprisonment, often in a dark cell, and wearing a ball and chain, are the most common punishments; the rewards are petty privileges, such as better food, the use of tobacco, a light in the cell, etc.; gratuities for work and a shortening of the sentence for good conduct. There is no exact mark system, so far as is known, in any American prison, but there may be examples not yet made public.

4. *Religious and Moral Agencies.*—Nearly all prisons that average fifty inmates employ a chaplain and hold weekly religious services; the Bible and a few religious books are almost always supplied; and in many of the prisons there are Sunday schools, prayer-meetings, and the labour of volunteer visitors. Many prisons, however, exclude volunteers, unless belonging to some recognised church or other organization; and in some the labours of a chaplain are regarded as useless. Nothing is more difficult to estimate than the results of work of this kind; but it is to be feared that neither the gifts nor the perseverance of the chaplains and visitors are often equal to the arduous work of imparting religious and moral instruction to prisoners. Yet there are striking exceptions to this remark.

5. *Secular Instruction.*—The general condition of American prisoners, in point of education, is low, yet they are not so extremely illiterate as criminals are in many countries, if we except the coloured criminals of the South. In Massachusetts for a period of eight years past, the statistics show very nearly

one-third of all prisoners to be wholly illiterate; yet in the highest prison, at Charlestown, the proportion of illiterate convicts since the beginning of 1864 has been scarcely more than one in ten. In the Philadelphia prison (Eastern Penitentiary), out of 7,092 prisoners received between 1829 and 1872, just about one-fifth (1,418) were wholly illiterate, and almost a sixth more (1,124) could only read. In the Western Penitentiary of Pennsylvania, at Pittsburg, the proportion of illiterate convicts is less (42 in 375, or one-ninth), while those who can read only is also less (47 in 375, or one-eighth). In the county prisons of Pennsylvania no doubt more than a third of the prisoners are illiterate; and the same is true of New York; but in the large Western States of Ohio, Illinois, Michigan, and Wisconsin, the proportion of the illiterate is smaller, and probably does not exceed one-fourth. Out of 8,744 convicts received by Mr. Brockway in Michigan, 2,100 were wholly illiterate; but in the Michigan state prison, only 42 out of 356, or less than one-eighth, were wholly illiterate, though only 286, or three-fourths, could both read and write. In the Iowa state prisons 34 out of 216 could neither read nor write; in the Kansas state prison 61 out of 303, while 42 more could read indifferently but not write. In California 226 convicts in the state prison out of 732 (nearly one-third) were illiterate. But when we look at the late slaveholding States, the proportion of illiteracy greatly increases. Of 669 convicts in Maryland, 394, or nearly three-fifths, could neither read nor write; of 389 in North Carolina, 264, or more than two-thirds, can neither read nor write; in the other fourteen Southern States the proportion is probably about the same. Practically, then, two-thirds of the prisoners in these sixteen States are illiterate, while in the rest of the Union something more than one-third are so, probably; so that about half the 38,000 prisoners now in confinement are practically without education. The women in prison are not so well educated as the men, and the short-sentenced convicts, as a rule, not so intelligent as those sent to higher prisons.

The provision made for the mental improvement of prisoners is undoubtedly better now in most of the States than it was a few years ago. Public attention has been drawn to the subject, and in a few prisons not only libraries and schools, but lectures

have been established, with a view to the general education of the convicts, and to aid in their reformation. The best instance of this prison instruction in the United States is probably found in the Detroit House of Correction, where a school system was established in 1869, when the number of convicts was about 360; on May 1, 1872, it was 402, of whom 296 were men and 106 women. During the year 1871 the average number of convicts in the prison was 385, in school 219, or nearly two-thirds of the whole number. Of this average (219), 141 were men and 78 women, the schools being separate. In his last report, Mr. Brockway says:—

This system was introduced among the prisoners to aid their reformation, and is now conducted for this purpose; not so much to relieve the monotony of imprisonment and to impart the ability to read, write, and cipher, for the convenience of these accomplishments, as to discipline the mind and fit it to receive and to evolve in the life the thoughts and principles that constitute their possessors good citizens. Attendance upon the school is made obligatory, and the intellectual tasks are required, as are the industrial. The sessions of the general school are two and one-half hours each, on two evenings every week, and are for recitations chiefly. The writing school is also held on two evenings each week for both men and women, and the men's writing class is followed each evening with a normal or teacher's class, in preparation for the general school. The women associate a singing exercise with their writing class on each evening. All prisoners who attend school are supplied with a light in their cell, for study, and all draw books from the library. Every Saturday, at five o'clock, all the prisoners in the institution (numbering now 440) assemble in the chapel to listen to a lecture. This is the crowning feature of our educational effort. During 1871 we had forty-six lectures—carefully prepared, well-delivered lectures—many of which have been delivered to first-class audiences of citizens, and which were worthy of a place in any lyceum course.

The teachers give these details:—

The twenty-one classes into which the school has been divided have been taught by twenty-eight teachers, selected, with a single exception, from the prisoners themselves. The changes in teachers have been much less numerous than was the case in previous years. It has been noticed that men sentenced for considerable periods make the best teachers, not simply from the fact that they take a greater interest in what must occupy them for some time, but because they have more force of character, more decisiveness. Some of the worst men, morally, have made the best teachers.

From the monthly record of progress which has been kept, it appears that the work done by the several classes in arithmetic, which has been the subject in reference to which chiefly the school has been graded, has averaged as much as that which is usually done by three classes of corresponding rank in our public schools. In other words, a year and a half's school work in arithmetic has been done during the last forty-five evening sessions.

The song of opening, the brief talk upon some scientific theme, the lessons of the evening, have been listened to with attention and entered upon with avidity.

There is evidence on every hand that the school has furnished the themes on which much thought has been bestowed in the workshop and in the cell.

The pleasure in the work of the school-room, the evident delight of the men in the work assigned them, the progress they have made in manners and in studies, have been much greater than I at all anticipated.

I think no one before the trial would have said that men long unused to study, or who had never known it, working all day in the shops, with two evenings' instruction per week by their fellow-prisoners a little in advance of themselves, would in main studies make two or three times the progress which the pupils in our public schools make under the most favourable circumstances ; and yet such has been our constant experience.

Three years ago the women's school had but one teacher. There were none among the prisoners competent to assist in the work of teaching.

There are at this date seven regular assistants teaching quite successfully. They have been educated for it in the school ; and while they are teaching others they receive also practical instruction, not only in the lessons which they are studying, but in methods of teaching.

The school is now very well graded and classified. Nightly records are made of each individual in school, and a system of monthly examinations and reports is in operation, which not only tests the progress of the pupils, but measures the success of the teachers also. Hence the new school year of 1872 opens very auspiciously.

Mr. Brockway testifies to the good results of this method of education, and what he says is confirmed by many experienced observers who have visited his prison. He says, among other things—

In view of the benefits of the school it seems incredible that I could have spent more than twenty years in the management of prisoners, and never, until 1868, have introduced this measure. Let me urge all

who can do it thoroughly to put this feature into their management, as indispensable to satisfactory reformatory results ; working and waiting for such changes in the law as shall enable us to carry the education of every prisoner we receive to a point promotive of his pecuniary prosperity, his conscious self-respect, and probity of deportment.

It will be long before anything so comprehensive as Mr. Brockway has established becomes common in the American prisons, but something is done in many of the state prisons. In the county and city prisons, little or nothing is attempted in the way of secular instruction. Not a dollar is appropriated or expended in Massachusetts for the instruction of the 2,228 prisoners now confined in the city and county prisons, nor of the 299 convicts in the state workhouse at Bridgewater. In the state prison at Charlestown, a small school has existed for a few years, but it accomplishes little in the way of instruction. There is an ample appropriation, however, and it is hoped that the new prison government will put the school on a better basis, and connect the office of prison schoolmaster with that of agent for discharged convicts, as was done with such excellent results in the case of the late Mr. Organ, of Dublin, the Irish prison schoolmaster. In most of the state prisons of the country, the library and the schools are under the charge of the prison chaplain, who sometimes holds a night-school, and sometimes merely a Sunday-school, at which reading and writing are taught. Day or night-schools exist in the three state prisons of New York, in those of Pennsylvania, Ohio, Rhode Island, and a few other States. Sunday-schools, at which secular instruction is given, exist in Michigan, Iowa, Indiana, Kansas, and many other States ; and, probably, of the 16,000 convicts in state prisons at the present time, from 4,000 to 6,000 may be receiving scanty instruction in schools of some sort. Of the estimated 22,000 prisoners in gaols, district prisons, houses of correction, workhouses, etc., it is safe to say that not more than 3,000 are receiving any secular instruction whatever. We have already seen that about 20,000 of the 38,000 prisoners in the whole country are practically illiterate, and certainly less than 8,000 of these are receiving instruction in the prisons. Such a condition of things calls loudly for reformation, and, as has been remarked, the number and character of prison schools is hopefully improving.

6. *Prison Labour*.—The distinction so common in English prisons between *penal* or ‘hard’ labour and *industrial* labour is almost obliterated in the American prisons. The term ‘hard labour’ is still found in our laws, but almost all the work done under these sentences is industrial, and, in many of our prisons, pecuniarily profitable labour. The tread-mill, the crank, the shot drill, and other forms of penal labour have no place in the prisons of the United States, but there is scarcely any kind of industrial labour which does not find a place there. In Alabama and Texas, the convicts build railroads, in Mississippi they raise cotton, in Tennessee and New York they work mines, in many of the States they cultivate gardens or do farm work. But the prison employments are generally mechanical, and especially deal with work in wood, leather, and the metals, though stone work is also done on a large scale where prisons are building. This was formerly so common an occupation for American convicts, that ‘hammering stone’ became a cant term for imprisonment. Quarrying stone for sale or for making quicklime is much practised in the great prisons of Joliet (Illinois), and Sing-Sing (New York), the largest in the country. At the Auburn prison, agricultural tools are extensively manufactured; in the Ohio state prison many convicts are employed as saddlers, wheelwrights, and blacksmiths; in the cellular prison at Philadelphia (the Eastern Penitentiary), the employments, being pursued in the cells, are mainly sedentary, such as shoemaking, weaving, and the lighter kinds of wood-work; in Massachusetts, ornamental iron-work, brush-making, shoemaking, and sewing by means of the sewing-machine, are common prison employments. In the Maine state prison, the warden, being a carriage-maker, has introduced that branch of industry; in the prison of Northern New York, at Dannemora, a great iron mine furnishes ore, which is smelted, forged, and wrought into nails by the convicts; in the Michigan state prison, at one time, tanning leather was largely practised; in the Detroit House of Correction chair-making has been the chief industry. In fact, there is scarcely any mechanical occupation that has not been carried on in some of our prisons.

In general, the labour of the convicts is hired by contractors at a fixed sum per day, and this varies from a few cents to

something above a dollar a day; the highest contract wages being paid at the Charlestown prison. In a few of the prisons, perhaps a tenth part of the whole number, the whole prison labour is managed by the prison administration, and in nearly all some part of the labour is so managed, especially where the building or enlarging of the prison is going on. There are many objections to the contract system of labour, but it is found in general to be less expensive to the Government than the management of prison labour by the officers. In large prisons probably it is indispensable, but in prisons of less than 200 convicts the contract system can safely be dispensed with; and Mr. Brockway can dispense with it in his prison of 400 convicts. It requires unusual skill and business capacity in the head of a prison to manage its industries, and for this reason such management seldom succeeds for any long time. On the other hand, the contract system often introduces moral and financial corruption, injures discipline, and demoralises the convicts. For these reasons it should be given up where it is possible; but in prisons of 500 convicts and upwards, it probably is not possible to give up the contract system.

A few years ago the expenses of nearly all our state prisons exceeded their earnings; but a change has been going on in this respect, and, as the table annexed to this paper will show, there is now a fourth part of them that earn more than they expend. Every one of the six New England States reports a profit from its state prisons, ranging from 20,000 dols. a year in Massachusetts to 1,200 dols. in Connecticut; and the excess of earnings over expenses in the six prisons (containing an average of some 1,100 convicts) was last year above 39,000 dols. With a smaller number of convicts than this, Ohio shows an excess of earnings amounting to more than 40,000 dols. Under skilful and honest management, all our state prison convicts might perhaps earn their own support, and 30 dols. a year beside; but two-thirds of them, and perhaps three-fourths, fall far short of this. In the Eastern Penitentiary of Philadelphia, with about 600 convicts, the annual deficit, including officers' salaries, is nearly 60,000 dols., or 100 dols. for each convict; in the three great prisons of New York it averages more than 50 dols. for each convict; in Maryland it is about 30 dols. for each convict, and so on. In the county and dis-

strict prisons very few of the convicts support themselves by their labour; but the Boston House of Correction, the Rochester Penitentiary, the Albany Penitentiary, and the Detroit House of Correction, are self-sustaining, and the two last-named prisons earn each a considerable surplus every year. The net cost of supporting all the prisons above their earnings must be nearly 3,000,000 dols. a year for the whole country, since there are 38,000 prisoners, and the average cost of each one above his earning cannot well be less than 80 dols. It may be proper here to emphasise what has just been said in regard to the superior economy of prisons of moderate size, by alluding to the experience of the Charlestown prison in Massachusetts, from which we have financial returns for a longer period than from any other prison in the country. During the fifty-six years that these returns cover, this prison has exhibited a profit above its expenses in eighteen years; a deficit in thirty-five years; and in the three remaining years a balance so small, either way, as to leave it in doubt whether its expenses were fully met by its earnings. But in the first thirty years, when its number of convicts averaged less than 300, the Charlestown prison had an aggregate deficit, during the whole period, of less than 60,000 dols.; while in the twenty-six years since, the average number having been nearly 500 the greater part of the time, the aggregate deficit has been more than 120,000 dols., or twice as much as when the prison was small. Although we should regard the revenue derived from the labour of convicts as of less importance than their judicious treatment and their moral improvement, it is still a noteworthy fact that prisons of moderate size can readily be made self-sustaining, while the larger ones cannot, or, at least, are not. At the same time, all the influences of a prison of less than 500 convicts are more favourable to the reformation of its inmates than the circumstances of great establishments like those at Sing-Sing, Auburn, Joliet, and Columbus, and it generally would be better policy for a State to build a new prison when its convicts rise above an average of 500 in number, than to enlarge the old establishment; unless, indeed, it chooses to adopt some method of conditional pardon by which the increase in numbers may be kept down.

7. *Prison Officers.*—In the best prisons the officers are ap-

pointed during good behaviour, and often keep their offices five and ten, sometimes twenty, years. They are appointed in the state prisons generally by the Governor of the State; at least, the head of the prison, the chaplain, physician, &c., are so appointed, and the subordinates are named by the prison government. In the city and county prisons the mode of appointment is various, but generally the head of the prison is either chosen directly by the people, as the sheriffs commonly are, or they are appointed by persons chosen by the people. In such cases, and in many of the state prison appointments, political influence is a great element, and its effect is almost always bad. The average qualifications and competency of the prison officers, except as lowered by political influences, is as good as in other countries, but the lack of a good system of control and inspection often makes our prisons less creditable to their officers than the real merit of the latter deserves. There are no special training schools for prison officers, but an experienced and veteran superintendent, such as General Pilsbury, of Albany, will, in course of time, train a considerable number of good officers. Such a special education is important, but not absolutely essential to the highest efficiency of penal administration; for prison management is quite as much a natural gift as an acquirement.

8. *Sanitary Condition.*—There is no ‘general scale of prison dietaries’ in the United States, and from the diversities of climate and production there could scarcely be one; for what would be salutary at Boston might be pernicious at New Orleans or Charleston. In the Western States fresh meat is much more freely used than on the sea-board; but in all our prisons meat is much more common than in those of Europe. Another frequent article of food is Indian meal, made from maize, and served up in the form of ‘mush’ (which is a kind of pudding), or of ‘brown bread.’ This is little used in Europe, and is not to be highly recommended as a common article of food. At the Boston gaol, which is one of the best prisons of detention in the United States, the dietary includes wheat bread and rye coffee for breakfast and supper, boiled fresh beef and potatoes and beef soup for dinner. The daily allowance of bread is $1\frac{1}{2}$ pound for each prisoner. There is no change from this diet through the year. In the South Boston House of

Correction, the oldest prison of its class in the United States, the week's dietary is as follows:—

	Morning.	Noon.	Night.
Sunday . . .	Mush, white bread and rye coffee	Baked beans	Mush and rye coffee
Monday . . .	Mush, brown bread and rye coffee	Fresh beef soup and vegetables	Mush, white bread and rye coffee
Tuesday . . .	Mush, white bread and rye coffee	Fresh beef soup and vegetables	Mush, white bread and rye coffee
Wednesday . .	Mush, brown bread and rye coffee	Stewed beans or peas	Mush, white bread and rye coffee
Thursday . . .	Mush, white bread and rye coffee	Fresh beef soup and vegetables	Mush, white bread and vegetables
Friday	Mush, brown bread and rye coffee	Fish hash	Mush, white bread and rye coffee
Saturday . . .	Mush, white bread and rye coffee	Fresh beef soup and vegetables	Mush, white bread and rye coffee

At the main prison of Middlesex (the largest county in Massachusetts), at Cambridge, this is the dietary:—

	Morning.	Noon.	Night.
Sunday . . .	Bread and rye coffee	Baked beans and brown bread	Bread and rye coffee : mush and molasses four nights in the week
Monday . . .	„ „	Corned beef and vegetables	
Tuesday . . .	„ „	Fresh meat soup	
Wednesday . .	„ „	Stewed peas	
Thursday . . .	„ „	Corned beef and vegetables	
Friday	„ „	Fish	
Saturday . . .	„ „	Fresh meat soup	

The ventilation and drainage of half our prisons is reasonably good ; of the other half indifferent or bad ; in many instances very bad. Probably one-fourth of them are kept scrupulously clean ; a great many are foul and filthy. Yet most of them are free from sickness, and the death-rate is not large. It cannot be given with any accuracy, however, for lack of careful statistics. In the cellular prison of Philadelphia, during a period of forty-two years, there were 353 deaths in a total number of 6,416 persons. As each person probably spent about three years in prison on an average, this would give a death-rate of 353 in 20,000, or 17·65 in a thousand, which is not very great. Among

an average number of 2,471 prisoners in Massachusetts in 1868, 44 died ; in 1869 the average number was 3,043, and the deaths were 55 : in 1870 these numbers were 2,971 and 58 ; in 1871, 3,145 and 68. In an aggregate average population of 11,630, this gives 19·35 for the annual death-rate in four years, which, all things considered, is less than in Pennsylvania.

9. *Reformatory Results.*—In very few of our prisons, taking those of all classes into account, is the reformation of criminals now made the primary object, and, as a matter of fact, numbers of prisoners leave the prison no better than they entered it. Many are made worse rather than better ; and this is particularly the case in the county gaols and with short-sentenced prisoners in the district prisons. In our best prisons this is otherwise ; but there are very few officers who can truly say that their prison discipline has reformed the convicts. There are a few ‘probationary homes’ for discharged prisoners, mainly for women ; a few agents look after the employment of discharged convicts, but there is very little participation in earnings or payment of gratuities for overwork. Much more could be done in these directions.

In regard to the sanitary and moral condition of the county prisons, the testimony of Judge Walker, of Michigan, may be cited. He says of the gaols in his own State :—

Their condition is wretched beyond all powers of description, and beyond all conception of those who have not had the experience of their own senses in the matter. The defects in them are not owing so much to the manner in which they are kept as to inherent defects in their construction, their dilapidated condition, and a fatal vice in the common gaol system. The gaols are crowded to excess ; two, and sometimes three persons are put into a single cell, and a corridor, not large enough to accommodate half-a-dozen, is the living and eating room of a score of prisoners. As a rule, continued good health is impossible under such circumstances. The moral condition of our gaols is infinitely worse than their sanitary condition ; and after a full examination and careful consideration we have come to the clear and painful conviction that they are the very hotbeds and nurseries of crime and vice, and that the State is directly responsible for a large share of the crime which it seeks to punish. If the wisdom of the State had been exercised to devise a school of crime it would have been difficult to devise a more efficient one. Here are the competent teachers, the tractable pupils, the largest opportunities for instruction, with nothing to distract attention from the lessons.

These statements are fully sustained, in the case of Illinois, by the remarks of Mr. F. H. Wines, secretary to the Board of Charities in that State, who says in his first report, made soon after the adjournment of the Cincinnati Prison Congress:—

The greatest of all faults in the construction of our county prisons is the absence of any means of classifying prisoners. The sane are not separated from the insane; the guilty are not separated from the innocent; the suspected are not separated from the convicted. Hardened criminals and children are thrown together; the sexes are not always separated from each other. The effect of this promiscuous herding together is to make the county prison a school of vice. In such an atmosphere purity itself could not escape contamination. The prisoners in nearly every instance are absolutely without employment for mind or body. There are no libraries in the gaols; even a Bible is ordinarily wanting. Idleness is a fruitful source of vice, and enforced idleness has developed the most debasing habits and passions. No attempt at secular instruction and education is made in any gaol in Illinois. The efforts made at reformation of criminals is unsystematic, unintelligent, fitful, and in most of the counties wholly wanting.

The Ohio Board of Charities take the same view of the county gaols in that great State. In their fourth annual report, made early in 1871, they say:—

Our gaols are, and always must be, as now conducted, nurseries of crime; but with separate confinement for prisoners awaiting trial, and hard work elsewhere for those convicted and sentenced, it is believed that the gaols may be much improved, while their expenses would not be materially increased, and might perhaps be diminished. It is not right that those who are simply accused of crime, both the innocent and the guilty, the young as well as those steeped in crime, should be doomed to an imprisonment more demoralising and brutal than confinement in the penitentiary; but such is the fact in reference to most of the gaols in Ohio.

10. *Sentences.*—It is the practice of our courts ‘to give short sentences for minor offences, and to repeat them often in the case of the same person.’ The effect of this in the United States, as everywhere else, must be to increase crime, as our prisons are now managed.

11. *Character of Crime.*—The prevailing character of crime in America is hard to define. In the South and West crimes of violence, in the North and East crimes of fraud are common,

and theft prevails very generally, though not so much as in Europe. Many of our most accomplished thieves and burglars come to us from Europe. Intemperance is a proximate cause of much crime here; orphanage, idleness, and the wretched home-life, or lack of home-life, in great cities, are leading causes of crime. A desire to live without work leads to much crime here, as well as in other countries.

12. *Juvenile Reformatories.*—The topic will be briefly considered in a paper annexed to this memorandum.

13. *Liberated Prisoners.*—There are no sufficiently accurate returns of liberated prisoners, showing how they have conducted themselves since their discharge. A small number of philanthropic societies, scattered through the country, look after these prisoners upon their discharge, but they have neither published nor collected any valuable statistics on this subject. A few years hence it will be possible to do so.

General Observations.—In regard to the number of prisoners in confinement at any one time, and the whole number committed during a year, it is to be remarked that both have greatly increased in the United States since the close of the civil war, six years ago. During the progress of that conflict, and especially in the years 1863–4, the prison inmates were often reduced to less than two-thirds their number in 1860, and scarcely more than half their present number; but at that time the number of women in prison was greater than before or since. The census of 1860 gave as the whole number of prison inmates, June 1, 1860, about 19,000 in the whole country; but this was much less than the true number, which probably exceeded 26,000, the population of the country being then something more than 31,000,000. During the civil war it is probable that the prisoners in confinement in the summer season, when they are always fewest, were reduced to 20,000. Immediately on the close of the war the increase of commitments was startling, and among the new commitments were thousands of soldiers and sailors, many of whom had fought well in the campaigns. At one time more than half the inmates of the Northern state prisons must have been persons who had been enrolled in the army or navy, and many of whom had been good soldiers. This state of things culminated in 1867, since when the prisoners of this class have been diminish-

ing, but in the meantime the change in the social and industrial condition of the Southern States has begun to bring into the prisons of that section a great increase of coloured convicts. In slavery the offences of these persons were either condoned or punished by the slave master; but since emancipation they are brought before magistrates and sentenced to prison. How soon this apparent increase of crime will reach a maximum it is impossible to say, but probably within two or three years. It is much to be regretted that more successful efforts were not made to improve our prisons, and introduce a better prison system, before they began to be crowded, as most of them now are.

The tendency of such improvements as have been made or are now making is towards the so-called Irish convict system, which has every year more friends, and is better understood in the United States. No State has yet introduced it bodily, or even its main features, but it cannot be many years before this will be done. The cellular system, to which, in my opinion, some injustice is done in America, is fast disappearing from practical use; but the introduction of the Irish plan may permit us to use the more desirable features of the cellular system. The system, in its strictness, scarcely exists in the United States, and is not likely to return into favour. The great evil in our minor prisons and in many of those of the higher grade is, that there is no system at all, but a mixture of routine and caprice in the prison administration, from which good results can come only by hazard or by miracle. Particularly is this true in regard to female prisoners, and in the whole United States there is scarcely a single good woman's prison. Considering the number and excellence of our reformatories for girls, this is the more astonishing. An effort has been making in Massachusetts for some years past to establish a special prison for women, but as yet with no result.

The most hopeful examples of prison discipline are found in a small class of prisons, hard to define in terms, but easy to illustrate by examples, since these are few and conspicuous. Such are the district prisons at Albany, Detroit, Rochester, Pittsburg, and perhaps a few other cities, where the pernicious influence of partisan politics has not been too much felt, and where the management of prison affairs rests in the hands of

intelligent men for a long period. A few of these prisons are set down in the accompanying table, but it has not been convenient to obtain their statistics with exactness.

The management of prisons of this class is, as a rule, more permanent than that of either state prisons or gaols; and, as a natural consequence, the best officers are attracted towards them. In some, as the Albany Penitentiary, the congregate system is maintained with much rigour; in others it is greatly relaxed, and there is an approach to the best features of the Irish system, as taught and practised by Maconochie and Crofton. Were our criminal laws generally and judiciously amended, so as to allow longer sentences for the petty criminals who make up the great majority in these establishments, they would soon display results more gratifying, both as respects reformatory, industrial, and pecuniary success. With all the disadvantages of short sentences, the best of our prisons of this grade are now self-supporting, and, to a considerable degree, preventive of crime. New prisons of this class are constantly appearing, especially in the older and more populous States, and always in or near large cities, receiving convicts from a wide area or a great population, and classifying their inmates more and more thoroughly.

Another hopeful class of our prisons (though these are not as yet very well organized) includes state workhouses, like those of Massachusetts and Rhode Island, where sentences of a year or two are given for such offences as vagrancy, habitual drunkenness, and prostitution, and where it will be easy and advantageous to introduce the main points of the Irish convict system.

With these remarks, which might be indefinitely extended (so wide is the range of topics afforded by our many and various prisons), this imperfect paper is submitted to the International Prison Congress.

F. B. SANBORN.

Boston, June 1872.

A TABLE,

Showing the Population, Prison Inmates, and State Prison Inmates
in the thirty-seven United States, 1870-72.

State.	Location.	By the United States Census of 1870.		State Prisons only.				
		Population of the State.	Number of all classes in confinement June 1, 1870.	Number in confinement October 1, 1868.	Average Number in confinement for 1870.	Number in confinement May 1, 1872.	Excess of Earnings over Expenses.	Excess of Expenses over Earnings.
Alabama	Wetumpka . .	996,992	593	250	224	200	Dols.	Dols.
Arkansas	Little Rock . .	484,471	304	117	230	300	..	..
California	San Quentin . .	560,247	1,574	678	789	900	..	..
Connecticut	Wethersfield . .	637,454	228	174	215	190	1,292.10	..
Delaware (No State Prison)								
Florida	Chattahoochee . .	125,015	66	33	30	..	..	..
Georgia	Milledgeville . .	187,748	179	..	79	..	..	..
Illinois	Joliet . .	1,184,109	827	320	400	400	..	..
Indiana (North)	Michigan City . .	2,539,891	1,816	1,077	1,246	1,313	..	..
Indiana (South)	Jeffersonville . .	1,080,637	944	382	380	385	..	6,173.00
Iowa	Fort Madison . .	1,191,792	397	200	..	..	..	..
Kansas	Leavenworth . .	344,890	337	170	185	320	..	19,000.00
Kentucky	Frankfort . .	1,321,011	1,067	600	725	608	..	..
Louisiana	Baton Rouge . .	736,915	845	320	..	..	..	..
Maine	Thomaston . .	626,915	371	158	170	168	6,591.64	..
Maryland	Baltimore . .	780,894	1,064	679	685	678	..	20,887.02
Massachusetts	Charlestown . .	1,457,351	2,733	558	593	533	20,000.00	..
Michigan	Jackson . .	1,184,039	1,005	613	646	633	5,000.00	..
Minnesota	Stillwater . .	439,706	129	35	67	80	..	13,938.23
Mississippi	Jackson . .	827,992	449	403	267	..	..	..
Missouri	Jefferson City . .	1,721,295	1,073	600	764	884	..	..
Nebraska	Lincoln . .	122,988	72	..	..	..	..	..
Nevada	Carson City . .	42,491	99	20	30	..	..	..
North Carolina	Raleigh . .	1,071,361	468	121	209	400	..	28,297.00
New Hampshire	Concord . .	318,300	267	128	100	91	5,601.03	..
New Jersey	Trenton . .	906,096	1,079	599	614	620	..	31,631.40
New York	Albany . .			910	936	1,106	..	36,846.38
"	Clinton . .	4,082,739	4,400	512	490	..	..	..
"	Sing-Sing . .			1,430	1,180	..	..	..
Ohio	Columbus . .	2,065,260	1,630	1,047	1,013	961	45,000.00	..
Oregon	Salem . .	90,028	101	65	70	..	..	..
Pennsylvania (Eastern Penitentiary)	Philadelphia . .			607	622	595	..	60,000.00
Pennsylvania (Western Penitentiary)	Allegheny . .	8,321,791	2,468	486	376	..	..	..
Rhode Island	Providence . .	217,853	281	59	69	69	4,794.37	..
South Carolina	Columbia . .	765,806	732	232	200	..	..	..
Tennessee	Nashville . .	1,258,020	1,082	375	450	..	..	..
Texas	Huntsville . .	618,379	732	400	472	500	..	..
Vermont	Windsor . .	330,551	193	76	83	85	1,500.00	..
Virginia	Richmond . .	1,225,163	1,296	425	697	730	..	..
Western Virginia	Mound City . .	442,014	194	..	..	100	..	..
Wisconsin	Waupun . .	1,054,679	418	206	193	202	..	6,080.00
Totals . .		38,113,253	31,413	15,202	16,491	12,862	89,589.14	252,758.45
Michigan (House of Correction)	Detroit . .	..	..	..	345	403	84,856.29	..
New York (County Penitentiary)	Albany . .	..	..	..	423	532	20,258.34	..

The number in prison in the ten Territories, June 1, 1870, is reported as 736, making a total in the whole country of 32,308, which has now increased to at least 38,000. The round numbers in the table are generally estimates; the others exact statements.

JUVENILE REFORMATORIES IN THE UNITED STATES OF AMERICA.

IN writing upon the prisons of the United States, it seemed best to confine the discussion to that subject, and to make a distinct paper, much less extended, on the juvenile reformatories of our country, which have always differed so widely from the prisons in their aim, their management, and their result that it would be injustice to both classes of establishments to rank them together. Our prisons, as a class, have always been places of punishment rather than of reformation, and have done little to check crime; our reformatories, on the contrary, have checked crime, and, in a majority of instances, have wrought a practical reformation of their inmates. Of course, the material is much better in the reformatory than in the prison; the inmates are more tender in years, less hardened in crime, and far less under the slavery of degrading habits. But this is not all. The spirit of our reformatories is that of hope and effort, while listless indifference or despair too often reigns in our prisons; the sentences of young offenders are wisely regulated for their amendment, not absurdly shortened as if they signified only so much endurance of vindictive sufferings; the whole machinery of the establishment is set in the reformatories for the good training of the child, while in the prisons it is too often allowed to chafe and wear upon the very moral nature and the best inspirations of the adult convict. America has little reason to be proud of her prisons, at least, as they have existed for the past ten years (since the present writer began to visit them); but she can justly take pride in her juvenile reformatories, from the very beginning of their work, fifty years ago, until now.

The first American reformatory, and still the largest one, was the New York House of Refuge, opened in 1825, and now established upon Randall's Island, within the city limits of New York. It grew out of the efforts made by Edward Livingston, and other enlightened philanthropists, to train the young in cities to a life of honest industry; and its general plan was adopted by Livingston in his scheme for the administration of justice (and mercy) in Louisiana, which never

went into practical effect there. In 1826, a similar reformatory was opened in Boston; and in 1828 another in Philadelphia. All these establishments received boys under sentence, and were supported, in whole or in part, by grants from the public revenue. They were not managed by the State directly, however, nor did they become an intimate component part of the penal system of the State where they existed. The first step in this direction was taken by Massachusetts in 1847, when the State Reform School at Westborough was established by law. Since 1847, that is, in the last twenty-five years, the policy thus initiated has been carried far forward, and is now adopted in more than half the United States. Reformatories, either wholly dependent on the States, or materially aided by them, exist now in Maine, New Hampshire, Vermont, Massachusetts (2), Rhode Island, Connecticut (2), New York (4), New Jersey, Pennsylvania (2), Maryland, Ohio, Illinois, Indiana, Michigan, Wisconsin, and California; while other semi-public reformatories, under municipal or private management, are found in these States and in Missouri, Kentucky, Louisiana, etc., that is, in States containing an aggregate of at least 25,000,000 people. The number of large reformatories in these States must exceed forty, while the smaller establishments are still more numerous. The average number of reformatory pupils, in 1871, cannot have been less than 12,000, of whom more than 1,000 were girls; nor does this include the strictly educational or preventive establishments, like the State Primary School for poor children, at Monson, Massachusetts, the Boston Farm School, and many other such schools, in which it is probable there are as many more children (say 12,000) in all parts of the country.

The general results of these reformatory and preventive schools are good, as has been intimated. Of the estimated 12,000 in reformatories, strictly so termed, at least 60 per cent. will probably be trained into good citizens. Some would claim more than this, say 75 or 80 per cent. but there are no statistics that quite bear out this claim. Perhaps the percentage of worthy citizens trained up among the whole 24,000 in preventive and reformatory schools would be as high as 75. The average cost of maintaining each child above his earnings cannot be less than 125 dollars a year for the whole number.

say 3,000,000 dollars in all. In Massachusetts, a yearly average of more than 1,500 such children, in large and small establishments, of whom 1,000 at least were in reformatories, last year cost more than 200,000 dollars above their earnings; of which at least 175,000 dollars was raised by taxation.

In many of the States, parents *may* be held responsible for the support of their children in reformatories, at least in part, but this provision of law is seldom enforced. A large majority of the children are either orphans, abandoned children, or of such poor parents that little or nothing can be collected from them. In some of the private Catholic reformatories, it is understood that the payment of board by parents and kindred is strictly enforced, so far as practicable. There is, however, far less desire to throw children on the public for support, in this manner, in America, than in England or France.

As Massachusetts has been mentioned by the present writer as having the most complicated and impractical system of prison management in the United States (though by no means the worst or the most expensive), it is but fair to say that this commonwealth has also the best system of training and caring for its poor children and juvenile offenders. It has the most numerous and varied establishments for their education, and the most thorough method of detaining and providing for such children as need it. The bureau of the State Government known as the 'Visiting Agency' has this work specially in charge, and is performing it in a manner quite unique in America, and perhaps in the world, and with admirable results. But as the head of this bureau, Mr. Gardiner Tufts, has promised to submit some account of its work to the National Committee, the undersigned will leave the subject at this point.

For the Committee,
F. B. SANBORN,
of the Massachusetts Board of State Charities.

Boston, June 17, 1872.

THE UNITED KINGDOM.

ENGLAND.

An Account of the manner in which Sentences of Penal Servitude are carried out in England. By Major E. F. DU CANE, Royal Engineers ; Surveyor-General of Prisons ; Chairman of Directors of Convict Prisons ; Inspector-General of Military Prisons, &c., &c.

THE subject of prison management, and the question of the best manner of carrying out the sentences of the law, have been topics of earnest discussion in England for upwards of one hundred years. During that period numerous different views and systems have been brought forward and experimented on, and, in fact, it is difficult to propose any system now on which *some* light may not be thrown by our experience in England or in the colonies. In the history of the latter especially is to be found a great source of knowledge and experience, and so much is our present system the result of, and founded on, the transportation system (which ceased entirely only four years ago) that those who wish to acquire a full and connected acquaintance with our views and practice should not fail to study the history and phases of that system. We have tried, at various times, as portions of our penal system in the colonies, simple deportation or banishment ; we have tried assigning convicts to live as servants in families of free people ; we have tried retaining them under charge of the Government, but hiring out their labour to free people for the benefit of Government ; we have tried planting them out in bodies in a condition of semi-freedom, to work with pay for Government until employers hired them ; and we have tried, in England, the exact reverse of this—viz., keeping them in isolation for lengthened periods in cells.

Finally, we now carry out a system involving a moderate period of isolation, followed by a period during which prisoners live in absolute separation, but work in association. The considerable success which our efforts have met with, figures will easily show.

The more recent history of our Penal System is as follows :—

Until about 1843 our convicts were all sent, first, either to Millbank or to the hulks, and thence a large number were transported to the colonies. In 1842 Pentonville Prison was opened, and the course of punishment a convict was to go through was reduced for the first time to a definite system. Then was commenced the plan of subjecting selected prisoners on their first reception to a term of strict separation, during which influences, both penal and reformatory, were brought to bear on them. Those who were thought to have profited by this discipline were then transported to a penal colony to undergo the remainder of their sentences, under conditions which varied in their character, according to the disposition the prisoner had manifested during his probation in Pentonville Prison. Soon after this another stage was introduced into the course, and the system henceforward applied to all prisoners. Every convict passed first through the stage of absolute separation; he was then removed to a prison in which each prisoner had his separate cell, but performed regulated labour in association; and from among the convicts in this stage were selected the men who should be sent to perform the rest of their sentences in the penal colonies, passing through stages which led progressively to freedom, the last stage but one being under conditions which resemble that to which the name of the 'intermediate stage' has been given; and concluding their sentences in a state of conditional freedom, such as is known in England by the name of 'conditional release.' In 1863, a Royal Commission, composed of men of the largest experience and authority, was appointed to consider the whole subject of transportation and penal servitude. While approving generally the system then in force, they recommended, nevertheless, certain important modifications. It was shortly after this that transportation ceased; and as this had previously formed so important a part of our system of disposing of our criminals, it may be said that the penal system now in force in England dates its present phase from that period.

The statistical tables of crime must be studied by those who wish to appreciate the effects of the changes we have made at various times. It will be sufficient if I here give the following figures, showing the remarkable decrease of crime of late years; by which it will be seen that while 1870 gave the smallest

number of sentences to penal servitude which had ever been known—being ten per cent. less than the previous year, the year 1871 has again fallen as much below its predecessor, the number being nearly one-fifth fewer than in 1869.

The following statistics of sentences of penal servitude in Great Britain will enable the remarkable decrease in serious crime to be appreciated; and this decrease is not to be accounted for by any other facts than that there has been a genuine decrease in crime.

Average in 5 years ending 1859	3,042
Average in 5 years ending 1864	3,109
Average in 5 years ending 1869	2,597
Actual number in 1870	2,015
Actual number in 1871	1,818

The sentences of imprisonment for short periods for indictable offences have also decreased very considerably, at the same time that the increase of population would have well accounted even for an increase.

RETURN OF IMPRISONMENT FOR INDICTABLE OFFENCES.

Average number of sentences of imprisonment in					
England and Wales during 5 years ending 1859					12,536
"	"	"	"	"	1864 11,406
"	"	"	"	"	1869 12,058
Actual number in 1870					10,908
" " 1871					10,083

The number of re-convictions has also steadily decreased of late years.

The average number of re-convictions during the					
5 years ending 1859 was					357
"	"	"	"	"	1864 " 668
"	"	"	"	"	1869 " 523
During the year 1870 " 343					
" " 1871 " 413					

The increase in 1871 is due, probably, to the effective execution of the Act passed that year for the Prevention of Crime.

This part of the statistics is very often alleged to be the test of the efficiency of a prison system. To my mind there can be no greater fallacy. In the first place, the number shown in the statistics may be largely affected by the removal to other juris-

dictions, or emigrations, &c., or by imperfect police arrangements. Moreover, the re-convicted man may have been discharged several years ago, and if the prison system grows and improves as it ought to do, or receives important modifications as sometimes happens, the result of the treatment a prisoner underwent years back can be no test of the efficiency of the system carried out now; and, besides, the effect on his mind of his treatment in prison must get weaker as time goes on. But it seems to me on principle to be fallacious. Punishment is inflicted much more for the purpose of deterring from crime the enormous number of *possible* criminals, rather than for any effect on the criminal himself; and if a certain number of crimes must be committed every year, I think it much more to be desired that those crimes should be committed by one set of people than that fresh recruits should be brought into the criminal ranks. If, therefore, we once succeed in getting the number of convictions down to a minimum, I shall consider that statistics which show that the number of re-convictions bears a *large* proportion to the first convictions, is both a proof of the efficiency of the police and of the deterrent effect of the penal system.

To make our tables of re-convictions complete, also, we ought to bring the discharges and re-conviction of convicts still in Australia into the account, and this would largely affect the proportion.

I do not think that either an increase or a decrease in crime is affected by prison systems, nearly to such an extent as it has been asserted that they are, unless, indeed, the prisons are very bad indeed, such as our convict prisons have not been for many years. The prosperity of the country—the facilities for getting a living honestly—the condition of education, moral and literary—the efficiency of the police—all contribute to affect the statistics of crime. But certainly an effective penal system bears its part, and that an important part, in attaining the object.

I will now endeavour to give briefly a view of the system to which, in part, at all events, it is fair to attribute the remarkable results shown by the above figures.

I will begin by a short statement of the course adopted in bringing an offender to punishment; and this is the more desirable because success in the repression of crime depends at

least as much in the way in which these preliminary stages are carried out, as on the subsequent treatment of the criminal under punishment; and the statistics of crime are obviously dependent as much on the police organization by which crime is detected, and the efficiency of the law and of the legal practice by which it is brought to justice, as on the rules or system by which punishment is carried out; and also because there are points in connection with the treatment of persons accused, but not yet convicted of crime, to which attention may be usefully directed.

The first step taken by a person who has suffered from a crime committed against him or his property, is, of course, to apply to the police, and give them all information which may enable them to trace out the offender.

As it is obvious that no system for the treatment or punishment of offenders after they are caught can be of much avail in repressing crime, unless the means of detecting and apprehending the offenders are effective, it follows that the first and most important object to be attained in endeavouring to repress crime by punishment is to approach as nearly as possible to *certainty of detection*. The police must therefore be effectively organized; they must be intelligent, and, above all, honest; and they must have a good knowledge of the ways and practices of criminals, and, as far as can be attained, some personal knowledge of them. Supposing that the person who has committed the offence can now be identified, or that suspicion is strongly directed on somebody, the next step taken is to swear an information to that effect before a magistrate, and procure a warrant for the apprehension of the supposed offender. The effective execution of this step again depends on the vigilance, intelligence, and knowledge of the police. If the offender is apprehended, he is lodged in cells under charge of the police, until he can be brought before the magistrates in Petty Sessions, who will hear and determine, on sworn evidence, the charge against the prisoner, and any defence he may set up; and if they consider that the case is *primâ facie* made out against him, they may either remand the case for further evidence, or may, if they are satisfied with what they have heard, either inflict such punishment as is in their power, or, if the

law requires or allows it, can send him to prison for trial at Quarter Sessions or Assizes.

This is the proper place in which I should point out what seems to me to be an important defect in our law and criminal arrangement. For a century or more we have been endeavouring to improve our prison buildings—we have by law enforced that every *convicted* prisoner should be lodged in a separate cell where he can eat and sleep alone, unable to contaminate others or be contaminated himself; we have enacted that his cell shall be properly warmed and ventilated, that he shall be provided with means for communicating with the warder in case of sickness or for any other reason. We provide him with books, with medical attendance, with means of cleanliness, and, in fact, with every requirement of health and decency, but the unconvicted prisoner we have entirely neglected to provide for by law, and consequently we find that though a sense of right has in many cases led to proper provision being made, there are places where all these things are absolutely wanting, and where a decent man who has got into trouble may find himself crowded in with the vilest set of criminals, or passing the night with a noisy crew of drunkards in a room or cell without means of light, warmth, or ventilation. This state of things ought, it seems to me, to be remedied by proper legal enactments, for no unconvicted prisoner should suffer more inconvenience than is necessary in order to ensure the security of his person.

The next step taken in arriving at the conviction of an offender is his trial. Without entering into the various kinds of courts for the trial of offenders, it is enough to say that if his crime is serious, his trial takes place at the Assizes, which are held twice a year (or three times in some places). It is clear that the first necessity for promoting the ends of justice is that the evidence in the case should be fully and fairly laid before the court. The prisoner and his friends have, of course, every interest to represent their defence, and means of doing so are not usually wanting; but the law by which the person who has already suffered the wrong has further to take on himself the burthen and expense of carrying on a prosecution in which he has no more interest than any other member of society, is both a grievous wrong to him and may give an undue advantage to the criminal. Probably many cases occur in which a

man prefers to suffer in silence the first loss caused by the crime, rather than add to it the trouble and loss he will suffer if he has to prosecute.

I have referred to 'certainty of detection' as the first point to be aimed at in endeavouring to promote the repression of crime; 'certainty of conviction' is an equally important point in connexion with the subject, and for which proper means should be provided.

The charge against the prisoner, framed on the depositions taken before the Committing Magistrate, is now taken before the Grand Jury, who consider whether there is a case on which to indict the prisoner; and if they find a true bill, he is put on his trial. The counsel for the prosecution states to the Jury the case against the prisoner, and brings evidence; the counsel for the prisoner states the prisoner's defence, and brings his evidence; either counsel cross-examine the witnesses of the other; the counsel for the prosecution replies to the defence, the Judge sums up the evidence impartially for the assistance of the Jury, directing them on points of law and impressing on them that if they have any reasonable doubt they are to give the prisoner the benefit of it.

If the prisoner is found guilty, he is then sentenced by the Judge. If the sentence is to a short term of imprisonment, he is sent to a County or Borough Gaol—establishments which are managed entirely by the local Magistracy, subject, of course, to the Acts of Parliament, the due execution of which is only provided for by a very imperfect control on the part of the Government; but if his sentence is to penal servitude, he finds his way, in due course of time, either to the Government convict Prison of Pentonville, or to that at Millbank; in one of which prisons the first part of his sentence is in all cases carried out.

I may here mention that in England a sentence of penal servitude is in its main features, and so far as concerns the punishment, carried out on exactly the same system to every person subjected to it. The previous career and character of the prisoner makes no difference in the punishment he is subjected to, because it is considered, and rightly, I think, that it is for the Courts of Law, who have, or should have, a full knowledge on these points, to consider them in awarding the

sentence, and if any prisoner was subjected to harsher or milder treatment in consequence of any knowledge the prison authorities might have of his previous character, it might be that he would practically be punished twice over on the same account, and on information much less complete and less impartial than the Court of Law would have at its command. The Government would also be always liable to charges of favouring or spiting certain particular prisoners; and any feeling of this kind would be fraught with danger and inconvenience.

It is also considered, and justly, that the Judge, or Court, who passes the sentence should know, or should be able to know, precisely the exact effect of the sentence, and this would be impossible if any discretion rested with the executive officers as to the mode of carrying out the punishments. At the same time, it is open to consideration whether more than one mode of carrying out the punishment might not be *laid down by authority*, as applicable to certain defined cases, or a discretion might be given to the Judges as to the system which each prisoner should be subjected to.

Whether or not this alteration should be made depends on the importance attached to the effect of punishment as an example to deter others from the commission of crime; or the effect in deterring or reforming the individual himself.

Our convict system is devised with a view to combine the principles of deterring from the commission of crime and reforming the offender. The latter is an object which for every reason we are bound to follow strenuously, but it must not be effected in such a manner as to interfere with the former because punishment is primarily to prevent crime by the warning held up to those who might, but for such influences, fall into it.

A sentence of penal servitude in England is divided into three principal stages: the first stage is passed at Pentonville or Millbank; it endures for nine months in all cases, and that period the prisoner passes his whole time—excepting periods allotted to prayers and exercise—alone in his working at some employment of an industrial or remunerative character. The second is passed in a prison in which he sleeps and has his meals in a separate cell, but works in association under a close and strict supervision at employment suited

him. The third period is that during which he is conditionally released from prison, but kept under the supervision of the police, and liable for any infraction of the conditions of his release to be returned to prison, there to fulfil the whole of the remitted portion of his sentence. A stage intermediate between the Public Works and the Conditional Release is applied to women, who may be sent to 'Refuges' for six months before their release on licence—establishments managed by private people who interest themselves in preparing the women for discharge, and in procuring suitable situations for them.

It is not necessary for me to state in detail here the rules laid down for the treatment of prisoners in the three stages; but I will give an outline of the objects which are aimed at. Further information will be found in the Appendices. The first rule is that every convict should be subjected to a period of strictly separate confinement, which not only is a severe penal discipline, but during which his mind is thrown in upon itself, and he cannot fail to feel, that however agreeable may have been his previous life, probably one of idleness and excitement, he pays dearly for it by the dull monotony and hard work, scanty fare, and, above all, the absence of freedom and constant supervision which is his present condition, and which form his prospect for some years to come.

During this time he becomes open to lessons of admonition and warning, religious influences have full opportunity of obtaining access to him; he is put in that condition when he is likely to feel sorrow for the past and to welcome the words of those who show him how to avoid evil for the future.

I have said that this stage of a prisoner's sentence endures for nine months, and it may naturally occur to anybody to ask; if its effects are both penal and reformatory, such as I have described and believe them to be, why the same treatment should not be followed throughout the whole of the sentence. The reason is, that it has always been held that we must bear in mind that the prisoner should not only be punished and taught what is right, but should be returned to society fitted both morally and physically to fulfil his proper duties in the battle of life. Perpetual seclusion in a cell for years, with no communication with his fellows, is an artificial state of existence

so absolutely opposed to that which nature points out as the condition of mental, moral, and physical health, and so absolutely unlike that which he is to be prepared to follow on his discharge from prison, that it cannot be expected to fulfil the required object.

When the system of separate confinement was first established in the model prison at Pentonville years ago, the duration of the period of separate confinement was fixed at eighteen months. Results, however, showed themselves which could not be neglected. It was shown incontestably, as the reports of the commissioners demonstrated, that the minds of the prisoners became enfeebled by long-continued isolation, and after the various trials the present term of nine months has been fixed on as the longest to which prisoners can with advantage be subjected to this stage of the discipline.

Keeping in view the principle that during his imprisonment the convict is to be prepared and enabled to lead a reformed life when he is discharged, attention is paid during this period both to his moral, mental, and literary education.

Every prison has its staff of Ministers of Religion, who, in nearly all cases, are not permitted to have any other duties, and who therefore can devote their whole time to the improvement and advantage of the prisoners placed under their spiritual care. The advantage of thus inculcating religious feelings will not be contested by anybody, and notwithstanding the doubts which have been called out by injudicious exaggerations of the results of these influences, and by misconception of the true position of and functions fulfilled by the chaplains of prisons, it is certain that these advantages are much appreciated by prisoners, and that the exertion of the ministers of religion bear perhaps as much fruit as in the world outside. The Prison Library and Educational Department are in charge of the Chaplain's Department. Books are supplied to the prisoners, both of a purely religious and instructive character; and those who are uneducated are taught by a staff of schoolmasters, at least the elements of reading and writing; those who have already some knowledge have opportunities and encouragement in improving themselves. As a knowledge of reading and writing affords so much opportunity for mental and moral improvement, and may have so important an effect on a

prisoner's well-being in after-life, great inducements are offered to prisoners to exert themselves to attain it, by rendering some of the subsequent privileges a prisoner may gain conditional on his being able to read and write. For example, no convict can be promoted to the first class unless he can read and write, and after he has been under instruction a sufficient time, he is obliged, if he wishes to enjoy the privilege of communicating by letter with his friends, to do it himself and without assistance. Of course exceptions to this rule are made in the cases of men who, from age or mental incapacity, cannot be expected to acquire even the elements of knowledge.

Half-yearly examinations are held to show the progress each prisoner makes, the result of which may be seen in the yearly report of the Directors of Convict Prisons.—[See *Appendix IV.*]

Taking the prisons at Chatham, Portland, and Portsmouth, it is found that of 775 prisoners discharged during 1871, 158 who could neither read nor write when convicted, had learnt to do both while in prison; and most of the remainder had made advances in the knowledge which they previously possessed.

After passing the allotted time in close confinement, the convict is removed to a prison where he is employed at labour in restricted association, in the majority of cases labour on public works, or farming, clearing or reclaiming land, and so on; but as some men are not adapted for this kind of employment, there are some prisons in which bootmaking, tailoring, and indoor employments are carried on.

In whatever stage of his sentence a convict may be, he is always provided with a separate cell, which he occupies at all times when not at work, at prayers, or at exercise. The sick or invalids are necessarily more associated, but the infirmaries recently constructed place the great majority in separation. The chances of contamination are, therefore, reduced to a minimum (a few prisoners at Dartmoor live in association, but this defect will not exist more than a few months longer).

Every convict during his sentence may pass through four classes, called the probation, the first, second, and third class, and certain selected prisoners are also placed during the last year of their sentences in a special class.—[*Appendix VI.*]

The probation class lasts for one year; nine months of it is passed in a close prison, as already stated, the other three months on public works.

The second and third classes must each last for one year at least, and the remainder of the sentence may be passed in the first class, unless a prisoner is promoted during his last year into the special class.

Promotion into each of these classes is followed by certain privileges, and each class wears its own distinctive badge. These privileges are necessarily very limited, but still they offer inducements which are much sought after. All privileges of increased diet have been abolished since 1864, as it was justly thought that to hold out prospects of food as an inducement to good behaviour was to appeal to the baser feelings, such as a good moral education should endeavour to suppress; and, secondly, because it was found that unfavourable impressions were produced outside by comparing the diet of the prisoner who enjoyed these slight improvements in the quantity or quality of the food with that of the honest, hardworking free man, whose scanty means were hardly sufficient to keep himself and family in health.

The diet, in fact, is fixed at the minimum necessary to enable a man to execute the work required of him; but if he should be idle and not execute the work, then the amount of his food is reduced.—[See *Appendix V.*]

The advantages offered, therefore, by the higher classes consist in the more frequent communications by visit or letter with their friends, in more freedom for exercise on Sundays, and in the earning of a higher gratuity of money to be paid on the prisoner's discharge.—[See *Appendix VI.*] The period which a prisoner passes in each class is measured not simply by time, but by days of hard work, on a plan which I will explain when I come to the system of marks.

In addition to the present privileges which a prisoner can gain by promotion to a higher class, he is offered the still greater, though more distant, advantage of slightly diminishing the duration of his sentence or obtaining 'Conditional Release.'

The amount of remission which any prisoner may gain is one-fourth of the whole period he passes on public works, and

this remission is gained by industry alone, and not by 'good conduct,' which in a prison can be little more than being passive, or abstaining from acts of indiscipline or irregularity—certainly he is not allowed to profit by any lip professions of piety or reformation.

On the other hand, acts of ill conduct are followed by forfeiture of remission, degradation to a lower class, and the loss of privileges gained by industry, as well as by solitary confinement, reduction in diet, corporal punishment, and so on; and if by repeated misbehaviour a prisoner shows that his treatment in the close prison has not had its due effect upon him, and that he is not fit for associated employment on public works, he may be ordered to undergo the discipline of the penal class in second probation for such period as may be thought necessary; or if during the course of his whole sentence he conducts himself badly, he may be ordered to pass the last six months in separate confinement, so that the deterrent effect of that discipline may be impressed on his mind when he is set free.—[See *Appendix VIII.*]

The power of punishing a prisoner resides only in the Governor and in the Director. The limits of punishment in both cases are laid down by the Secretary of State, and no punishment can be awarded without full investigation of the charge, conducted in the presence of the prisoners. The Governor has powers sufficient to deal with minor offences, and every punishment he orders is reported to the Director, with a statement of the prisoner's offence. The Director, whose functions correspond with those of a magistrate, awards punishments for offences of a grave character. Only the Director has power to award corporal punishment, and he only for certain offences defined by the Secretary of State, and after full inquiry on oath conducted in the most formal manner. No unusual punishments may be inflicted. Chains, handcuffs, or means of special restraint may not be made use of except under certain defined circumstances, and under strict regulations, and the use of them is always reported and recorded in a formal manner.

It can hardly be necessary to add that no officer is allowed to strike or abuse a prisoner; should he find it necessary, on account of the violence of any prisoner, to make use of his

weapons, he is always called upon to show that he confined himself strictly to the necessities of the occasion, or failing to do so he must bear the consequences.

To maintain a strict and stern discipline without exciting constant resistance, it is above all things necessary that the prisoners should feel that the rules are carried out justly and fairly—that the officers are simply administering the law, and that in case of any abuse of power on the part of an officer he will be held answerable for it.

To this end every prisoner has unrestricted right of appeal against the act of those above him ; he may lay his complaint in the first instance before the Governor, who is bound to investigate it, and to place the appeal on record ; or he may appeal to the higher authority of the Director, who can, if he sees fit, reverse the decision of the Governor.

The Director not coming in daily contact with the officers and prisoners, but only visiting the prison magisterially at uncertain intervals, it is of course felt that he can give a fresh and impartial consideration to any question or complaint.

Besides this the prisoners have the power of petitioning the Secretary of State—they exercise freely these rights of appeal and petition ; and the effect of these provisions is not only that prisoners feel that they cannot be unfairly dealt with, but the officers are constantly reminded that they are liable to have to answer for any act which they may perform.

The effect of the system of rewards and punishments, by which we are enabled to maintain order and discipline in the prisons, is shown by the following statement of the number of prisoners punished during the past year (1871). Of 13,582 males who passed through the prisons, 6,796 did not break the rules in any way, and 6,347 were actually punished. Of 2,184 females who passed through the prisons, 1,414 did not break the rules, and 689 were actually punished.

The return of prison offences during the past year also establishes another fact that in an average population of 9,980, or an aggregate population of 15,766, there occurred 24,071 offences ; and these offences certainly were not committed equally among all the prisoners, for there were only 7,036 prisoners punished ; and even among these the great bulk of the offences are committed by a limited number, the habitual offenders

against the rules. Only 128 of the prisoners discharged in 1871 failed to earn some remission from their sentences, while 1,503 gained some remission. Many had never misconducted themselves at all, and a large proportion had gone through their imprisonment of many years with only some trifling breach of regulations recorded against them.

It seems to me that these facts are very important. The result is not due to an easy and slack system, under which offences are passed over without report and without punishment; on the contrary, it will be apparent even to a casual visitor, and is well known to those who are more intimately acquainted with the interior of the prisons, that order is strictly maintained, and that the discipline is stern.

The result shows, in fact, that in this respect, at all events, our system produces the result it is intended to do, but more especially it shows that the organization of the department is effective, and that the staff of officers perform their duties with resolution and with judgment.

The plan by which we endeavour to bring before the prisoner, in a form easily intelligible to him, that, as in ordinary life, the advantages held out to him as an encouragement to industry are directly proportioned to his industry; that he cannot be idle for a day without a corresponding loss; that good conduct is necessary as well as industry, because ill conduct will deprive him of the advantages he would gain by his industry—is by a system of recording the industry by marks. I will not here enter into the details of the system—[see *Appendix IX.*—]—but I will state the principle on which it is framed, viz. :—

To every man is assigned the duty of earning a number of marks proportioned to the length of his sentence. These marks may be earned either at the lowest rate, in which case he will serve out the whole of his sentence; or at the highest rate, when he will get off about one-fourth; or at any intermediate rate, when he will earn proportionate remission.

The record by marks applies not only to the amount of remission the prisoner can gain from his sentence, but also to every step in the class he passes through during his imprisonment: for instance, he is required to pass at least a year in each of the classes; but during that time he must earn a definite number of marks, or else his promotion is delayed;

and, further, the gratuity which he earns in each class is calculated according to the number of marks he earns.

To ensure a fair value in marks being assigned to each man's industry, not only is a rigid supervision and check maintained on the working parties by principal officers, the chief warder, deputy governor, and governor, who pay particular and especial attention to this point—[see *Appendix IX.*]—but the prisoners' work is measured by a staff of professional officers, employed for the purpose, who act quite independently of the regular discipline staff, and whose measurements are priced out in money and afford a check and test of the correctness of the assignment of marks of industry.

Every prisoner is furnished with a card, on which, periodically, his earnings in marks are recorded; and if he feels himself unfairly dealt with, he has free right to complain, and his grievances are investigated.

In this manner, day by day, week by week, and year by year he can count, and record the progress he is making, toward an advance in class, in accumulation of money, and toward final remission of his punishment; and he is made perfectly to see and feel that his own fate is in his own hands, and that he has something to work and to hope for, more than the mere avoidance of punishment.

The course followed with regard to the female convicts is the main the same as I have described with more particular reference to the men. They may earn, however, a larger proportion of remission, viz. one-third; and to those whose good conduct and character justifies the hope of complete amendment, a further advantage is held out by their being allowed to pass the six months immediately preceding the term of release in 'Refuges' established and managed by private enterprise, assisted by contributions from the Government. Here they enjoy the inestimable advantages of a treatment approach in its characteristics to that of home influence; for these establishments are not prisons either in appearance or in discipline—they are *homes*. There are now three Refuges for convicts authorised by the Secretary of State—the Memorial Refuge at Winchester; the Eagle House Refuge at Hammersmith, for Roman Catholics; and the Wesleyan Memorial Refuge, lately established at Streatham. 11'

passed through these Refuges last year, out of a total of 275 who were discharged from sentences of penal servitude. The number availing themselves of the advantages they offer was last year limited by want of more accommodation, but the establishment, by the Discharged Prisoners' Aid Society, of the last-mentioned Refuge at Streatham has prevented the possibility of their suffering this disadvantage again.

It is at the conclusion of all this course of discipline, punishment, and reformation, when the prisoner is again to be thrown on his own resources, and left to his own guidance to face the trials and meet the temptations to which he has before, once or oftener, succumbed, that occurs the greatest difficulty to those who hope either by fear or reformation to have at least caused a prisoner to wish to do well on his release.

In Great Britain there are two influences brought to bear on a discharged prisoner. First, he is placed for a limited time under the supervision of the police to such an extent as to satisfy them that he is not falling again into a career of crime, or, in case he should do so, to ensure his being speedily re-mitted to undergo further discipline in prison.—[See *Appendix XII.*] Secondly, he is offered the assistance of private societies established expressly for the purpose of aiding discharged prisoners in their efforts to maintain themselves by honest labour. The Government, feeling that a work of this nature is one which ought to be carried out by private efforts, still look with great favour on these societies, and in fact in every reasonable way, so far as they judiciously can, encourage prisoners to take advantage of their aid.

In the reports of the Directors of Convict Prisons will be found for some years past the number of prisoners whom these societies have aided. During the year 1871 nearly half the male prisoners who were discharged, and more than two-thirds of the females, were assisted in this manner.

Return of the Number of Male Convicts discharged from Convict Prisons during the Year 1871, showing those who went to Prisoners' Aid Societies.

Prisons.	Discharged Prisoners' Aid Societies.									
	Lon- don.	Bir- ming- ham.	Leeda.	Man- chester and Salford.	West Derby Hun- dred.	Staf- ford.	Liver- pool.	Total.	Not to any Society.	Total.
Millbank .	8	—	—	—	—	—	—	8	41	49
Pentonville .	25	1	—	—	—	—	—	26	21	47
Portland .	126	8	15	17	—	22	—	188	153	341
Portsmouth .	73	8	7	17	1	3	—	109	77	186
Chatham .	135	2	—	12	—	1	—	150	140	290
Parkhurst .	35	7	5	5	5	1	—	58	84	142
Dartmoor .	24	6	2	8	—	3	—	43	114	157
Woking .	31	3	2	2	—	1	2	41	67	108
Brixton .	16	—	2	3	—	—	—	21	45	66
Total .	473	35	33	64	6	31	2	644	748	1,396

It is a work of charity which for every reason it is desirable to encourage and develop, for nothing can be imagined more hopeless than the condition of a man cast out on the world with a ruined character and without friends to help him, surrounded by temptations from which he has been long removed, or open to the influence of former evil associates.

For centuries Great Britain has taken advantage of the various waste lands of the globe, to deport to them her criminal population, effecting thus the double object of developing countries which but for such aid might never have been the seats of such thriving communities as now exist there; at the same time achieving the object of preventing the formation of a criminal class in this country; whilst as regards the criminal himself, who, so long as he remained in England, would have found it difficult to be anything but a criminal, he found himself placed in such a position that by industry and honesty he would surely gain an ample reward, and where crime offered less inducements than a steady respectable life. This resource is now lost to us, and we should well consider the consequences it must have, and take timely steps to avert the consequences such as are referred to in the evidence given before the Committee on Prisons and Punishments in 1847.

A report from Mr. W. Bayne Ranken, Honorary Secretary

of the Discharged Prisoners' Aid Society, in London (which may be taken to represent these institutions, as the number of cases it undertakes exceeds by far that of any other such Society), will serve to elucidate the principles and results of the work undertaken by these Societies:—‘The total number we have assisted since our establishment in 1857 is 7,111 up to the present time, and of this number 6,528 are male convicts, and 583 females. Of the men we continue to receive, not only until the expiration of their licence, but in many instances long afterwards, most satisfactory reports.

‘It cannot be denied that among the large number of discharged prisoners aided by us certain cases have proved unsatisfactory; but, as far as we know, the vast majority of persons we have assisted have entered on and been established in a respectable course of living.

‘With regard to women we were particularly fortunate, and not only have many women obtained respectable situations through the instrumentality of our Society, but have evinced their thankfulness by writing most grateful letters, and calling from time to time at our office to express their obligation to the Society, bringing in more than one instance contributions from their scanty wages to “help some other poor thing.”

‘With regard to the men we help, on their arriving at our office, they are questioned as to their prospects and wishes for the future; are furnished (from the gratuities they have earned in prison, which are paid at their own request into the hands of the Society) with pocket-money, and provided with suitable clothing; they are placed, if remaining in London, in respectable lodging-houses known to the Society's agents, and then every effort is used to get them respectable and suitable employment; many are sent to join their relatives and friends, when they have any who are respectable, and who are ready and willing to assist them. Some obtain berths on board ship, and many get work of various kinds in the Metropolitan district.

‘It is, in my opinion, most undesirable to dwell too much or enter too fully into the description of work such men obtain, or give publicity to the names of the large employers of labour who are kind enough to aid these unfortunate persons. Any such knowledge can always be obtained by an inspection of the

Society's books, which are always to be seen at the office, 39 Charing Cross.

‘The men employed in the Metropolitan district are visited periodically by agents of the Society, and a daily report is made by these agents of the cases they have visited the previous day; these reports are verified by the secretary. A correspondence is also kept up with the chief constable of any place to which a man is sent beyond the Metropolitan district, and communications respecting him opened with any magistrate or clergyman likely to interest himself on his behalf.

‘The diminution of crime, in my opinion, is owing in a considerable degree to the efforts of this Society, and still more to the strict discipline now maintained in convict prisons, which renders men who have once been convicted to penal servitude most unwilling again to run the same risk.

‘At our office our clerk and agents are constantly told by discharged prisoners that they will do *anything* to avoid going back to prison; nine-tenths of them say so now, whereas a few years ago they made comparatively light of the prospect of future imprisonment. The two deterrent causes work admirably together—the dread of re-conviction, the assistance to avoid it and to enable the men to become honest if they really wish to do so. They have now every reason to avoid crime, every inducement to try and earn a respectable livelihood.’

Return of the Number of Female Convicts discharged from Convict Prisons during the Year 1871, showing those who went to Prisoners' Aid Societies and Refuges.

Prisons.	Mission to Woman D. P. A. Society.	Refuge, Battery House, Winchester.	Refuge, Eagle House, Hammer-smith.	Total.	Not to any Society.	Total.
Millbank . .	2	—	1	3	12	15
Woking . .	19	40	47	106	48	154
Fulham . .	7	66	23	96	11	107
Total . .	28	106	71	205	71	276

Having thus given a general view of the course a prisoner goes through in fulfilling a sentence of penal servitude, I will enter more fully into the manner in which some parts of it are carried out.

It has for many years been an established principle in English prisons to endeavour to instil into the convicts habits of industry, to develop their intelligence by employing them on industrial labour, and to facilitate their entering the ranks of honest industry on their discharge, by giving them facilities for acquiring a knowledge of trades. These objects are fortunately conducive to another very desirable result, viz., that of making the prisons self-supporting in various degrees—some of them doing an amount of labour the value of which more than covers the cost of their maintenance.

The gross cost for maintaining the convict establishments in England during the financial year 1871 was 313,633*l.*, and in the same period the earnings of the convicts amounted to 228,244*l.*, or 22*l.* 19*s.* 4½*d.* per head on the average number. The net cost of the prisons, after deducting the value of the prisoners' labour, amounts only to 85,389*l.*, or 8*l.* 10*s.* per head.

The following extract from a paper prepared in 1871 shows sufficiently the practice in this respect in the English prisons, and the results attained, both those for short sentences and the Government prisons where sentences of penal servitude are carried out:—

'There are three objects to be attained by the employment of prisoners at labour: First, to create a deterrent effect on the prisoner himself, and on the criminal class; secondly, to produce a reformatory effect on the prisoner himself; and, thirdly, to recoup, as far as possible, the cost of maintaining the prison.'

There are certain matters I should advert to here, because they materially affect the difficult problems we have to solve.

1st. A large number of prisoners are persons who are absolutely unable, or find it extremely difficult, through mental or physical incapacity, to earn their livelihood, even under favourable circumstances. Of the 8,362 men now serving out sentences of penal servitude in England, no less than 252 are absolutely lunatic or weak-minded, 308 are subject to bodily infirmities which render them unable to earn a living, and 1,140 are fit only for the lighter kinds of labour, making in all 1,700, or 20 per cent. of the whole. Of the women, out of a total of about 1,300, 36 are lunatic or weak-minded, 79 permanently

incapacitated from earning a living, and 110 fit only for light labour, making in all 225, or 17 per cent. These people, even if they were out of prison, would still be, in a greater or less degree, a charge on the public; it is hopeless, therefore, to expect them to repay by their labour the cost of their custody and maintenance in prison.

2nd. Prison labour must always be carried on under the disadvantage of being without that stimulus to industry which is afforded by the prospect of immediate benefit as a result of it. In some foreign countries, where great weight is given to the object of making the prisons pay, the prisoners are allowed to draw and to expend a certain portion of their earnings on various small luxuries, such as additional and better food, tobacco, &c.; a certain other portion is set aside for them on their discharge, and the Government takes the remainder.

In convict prisons in England the system did at one time allow a prisoner to profit more or less directly by his industry, by obtaining more or better food in prison, and a larger sum of money on discharge. This gave rise to a great deal of hostile criticism. It was said that prisoners might be better off in regard of food than many an honest poor man, and that this, with the fact of his possessing a sum of money on discharge, which an honest hard-working labourer would be unable to accumulate, produced a comparison too much in favour of a dishonest instead of an honest career. Public opinion therefore demanded that the condition of prisoners throughout their sentence should be that of having only the barest necessities in the way of food, and just sufficient money on discharge to enable them to maintain themselves while seeking employment; and this principle, which I believe to be a correct one, was adopted by a Royal Commission which inquired into the subject of prison management in 1863, and carried out by the direction of the Government.

The only stimulus we can afford to a prisoner, therefore, is that of gaining by his industry a remission of some portion of his sentence, of improving his prison class, or that of punishing him if he is idle. Even with only these means we are able, by steady supervision, to obtain very good results, as I shall be able to show. But there are prisoners, chiefly the habitual class, who actually prefer any punishment which involves a

partial relief from labour to the steady industry required on the public works.

3rd. A great deal of opposition is made to the Government, either local or central, entering the market as manufacturers, and competing with free labour. Of course this is utterly unreasonable, but that does not prevent its having a certain effect. The particular trade which happens to suffer from the competition of prison labour is naturally loud in its outcries, and can always find active advocates; and, on the principle that everybody's business is nobody's business, this agitation is not counterbalanced by a corresponding agitation on behalf of the public, and in aid of those who act in the public interest. The customs of trade-societies are also adverse to the action of Government in this way; and I have lately seen that a certain trade-society has passed resolutions against being subjected to the competition of prison labour.

It is so obvious as hardly to require stating, that as persons who are earning a livelihood while free are competing with somebody or other, so it is perfectly reasonable that they should work, and therefore compete equally, after being put in prison. There is, however, some limit to the degree in which prisons should be converted into manufacturing establishments. I doubt whether such employment should be carried on as requires the purchase from public funds of a large and expensive plant and machinery, the value of work done by which would bear a great proportion to the value of the prisoners' labour, because in such a case it is not merely competition against prison labour, but against Government capital. The circumstances of a prison render the profit a secondary transaction, and moreover it cannot be ensured that in a Government establishment the profit will always be so narrowly looked after as if it were private property, so that the profit which should be earned by the public money so expended is liable to be neglected or forgotten, and this would enable the goods made to be sold at a cheaper rate, and so to cause undue disadvantage to the free workman. Many of the disadvantages which attend the system of making prisons into manufactories are avoided by performing in them work required by the Government, either central or local, and certainly work of this kind should be preferred to any other.

I can now continue the main question. The most practical way of carrying out the ideas I have stated, as to the three aims of prison employment—viz., deterrent, reformatory, pecuniary—is to divide the period of punishment into different stages, during one of which the penal or deterrent object should be considered almost exclusively: during the other, the reformatory and pecuniary may prevail in various degrees.

The most effective system of continuous punishment we can carry out consists of strict isolation, diet reduced down to the barest necessities, deprivation of all the comforts which men of the prisoner class usually allow themselves, and among these I may mention the comfort to them of being dirty, for many of those who visit our prisons remark on the cells being so ‘clean and comfortable,’ whereas many prisoners if they expressed their ideas on the subject, would call them ‘clean and uncomfortable.’ In addition to these is the punishment of hard, dull, useless, uninteresting, monotonous labour.

There is a limit to the time during which a prisoner can be advantageously subjected to these punishments. Labour of the kind I have last mentioned is decidedly brutalising in its effects. If it is desirable to resort to it for its penal effect, it must not be continued for too long a period. To men of any intelligence it is irritating, depressing, and debasing to the mental faculties; to those already of a low type of intelligence, it is too conformable to their state of mind, out of which it is most desirable that they should be raised. The period during which isolation can be strictly carried out is also limited.

When a prisoner’s sentence is very short, there is obviously no time to do much in the way of reforming by labour, and the exclusively penal stage will occupy the whole of his time in prison.

In some rules lately drawn up by the Directors of Convict Prisons, for military prisoners who are under their management undergoing short sentences, it is provided that during the first month the strictest penal labour shall be enforced, such as crank in solitude, or pumping. After this, more interesting labour is allowed them, always in isolation. It is in this stage that the difficult problem arises of providing suitable employment, which shall fulfil the necessary conditions and yet be remunerative. It is obvious that it must be such as can readily

be acquired by unskilled persons, capable of being carried on in isolation, and not too easy, as prisoners should (when capable) be employed on hard labour. Work which can be performed well by machinery is not likely to pay.

The employments which have been introduced into county and borough prisons are: grinding corn by treadwheel or crank; weaving cocoa-nut mats or carpets, or woollen and linen stuffs; matmaking, sawing firewood; tin work. Flax scutching has lately been recommended by Dr. Briscoe. Ship fender making is profitably followed in the neighbourhood of seaports.

In those government prisons in which the period of isolation is carried out for nine months, the following are some employments carried on by prisoners in this stage:—

	Average earnings per day.
Tailoring	7 $\frac{3}{4}$ d. to 9 $\frac{3}{4}$ d.
Shoemaking	7 $\frac{1}{2}$ d. „ 1s. 1d.
Matmaking	5 $\frac{1}{2}$ d. „ 6 $\frac{1}{2}$ d.
Weaving	8d. „ 11 $\frac{1}{2}$ d.
Knitting	2d. „ 2 $\frac{1}{2}$ d.
Oakum-picking, which is carried on mainly for the penal character of the work	$\frac{3}{8}$ d. „ $\frac{1}{2}$ d.
Shoe closing (for women)	6d.
Needlework	3d. „ 5d.
Basket-making	1s. „ 1s. 6d.

Matmaking is an industry carried on in a very large number of prisons in England, and, in fact, it is so general that I believe the prisons actually compete with one another for custom in this trade.

The cost of a prisoner may fairly be taken at 26*l.* per annum, at least the actual cost at the county and borough prisons varies from 16*l.* per annum up to 139*l.* in one case. There are many prisons in which no earnings are made at all, and the most profitable do not earn more than one-fourth or one-fifth of their cost; very few, indeed, come up to this result, so it is clear that the problem of finding remunerative labour for prisoners in this stage has not been solved.

In our government prisons, after the usual nine months' labour in isolation has been passed, prisoners are transferred to other establishments, where they work in association. As

the conditions under which they work in this stage more resemble those which prevail outside, it is obvious there is more chance of the work being such as may be useful to them on the conclusion of their sentences, of their being taught useful trades, and of the work being made to pay. Outdoor employment is best in every way, it is healthiest both for body and mind, and generally requires less skill.

Some years ago, these convicts were employed in jobbing work about the dockyards, they worked in chains, scattered in gangs over the yard, and a great deal of the work was mere brute labour, such as dragging heavy loads, which would have been done far better and cheaper by horses. Such work is neither reformatory nor remunerative. The first improvement on this system was when the convict prison at Portland was opened in 1847, the prisoners being employed in quarrying stone for the construction of the breakwater,¹ and in 1850, when Dartmoor Prison was opened, the work for the prisoners being that of reclaiming the moorland and converting it into a farm. It was a bold experiment to depart so far from previous practice as to employ 1,500 prisoners in the open country without any wall to keep them in, or any chains to hamper their movements, but it was completely justified by the result, and there has never, during the whole twenty-two years, been any difficulty in controlling the prisoners or ensuring their safe custody. Work of this kind answers many of the conditions, but it cannot be said to pay. The land is of the poorest description, the climate very unfavourable, and much preliminary labour is necessary in draining, and clearing away the rocks. If Government should utilise the prisoners' labour by farming, it would be better to take good land and make the best of it, instead of bad land, on which much of the labour is thrown away.

The best system ever devised for the employment of convicts is that of executing large public works by means of their labour. It furnishes them a means for their acquiring a variety of trades which will be useful to them on their discharge. This is an advantage which is largely made use of, and it is highly appreciated by the prisoners. It is more interesting, and therefore more likely to make the prisoners fall into habits of useful

¹ The formal declaration, by the Prince of Wales, of the completion of the Breakwater, took place on August 10, 1872.

industry than if they were always employed at work which must present labour in the most repulsive form to their minds. The prisons in which works of this nature are carried on do absolutely perform work to an amount equal to, and sometimes beyond, their expenses. Lastly, important works may sometimes be executed by this means, which the public might not be always willing to pay for in money, because, while only a comparatively few may quite understand their importance, everybody appreciates and inclines to oppose a proposal to increase debt or taxation.

The earnings of the convicts at Portland, Portsmouth, and Chatham, during the year 1871, amounted to 149,745*l.*, exclusive of the value of any work which they performed for the mere carrying on of the prison, such as baking, cooking, washing, repairing clothes, and so on, all of which are of course done by prisoners. The cost of maintaining these prisons in 1871-2 was 131,986*l.*, in which sum is included the cost of maintaining those who, from sickness or from being under special punishment, or for other reasons, added nothing to the earnings; and it includes also the cost of conveying the convicts under escort to the prisons, and removing them on expiration of their sentences, and the amount of gratuities paid to them to maintain themselves while seeking employment on discharge. There is a clear balance, therefore, in favour of these prisons of 17,759*l.*

The greatest care is taken that the earnings should be correctly calculated and truly stated. A staff of men is employed, whose business it is to measure the prisoners' work. A schedule of prices for the labour has been formed (not by the convict department alone, but in conjunction with the Admiralty and War Departments), which correctly represents the amount which would be paid by those departments to a contractor for work of a nature similar to that done by the convicts. The work measured is then priced out at the rates given in the schedule, and an abstract, given as fully as possible, is furnished every year in the Report of the Directors of Convict Prisons.

To give some idea of the public works done by convicts since the system was introduced, I may state that, at Portland convict prison labour has been employed in quarrying the stone

for the construction of the breakwater, a stone dam in the sea, nearly two miles in length, and running into water fifty or sixty feet deep; they have also done the principal part of the works of defence intended to prevent an enemy obtaining possession of the island; and I may say, *en passant*, that these works are, in my opinion, impregnable to any attack except blockade and starvation of the garrison—a contingency which is out of the question.¹

In executing these works, every variety of mechanics' work necessary in building or engineering has been executed by convicts—quarrying, and dressing, and placing the stone, all sorts of carpentry, casting and forging ironwork, and so on. The large and extensive plant have also been made by the convicts and kept in repair, including the construction of the large cranes and derricks in the quarries, and the laying of the rails for the quarry waggons to run upon on their way to the place for delivery of the stone.

The extensive works which have been undertaken of late years at Chatham and Portsmouth for the enlargement of these dockyards, have been largely done by convict labour. The prisoners have been employed in excavating basins, and building the sea-wall and the dock-walls, besides a vast quantity of preliminary work, such as demolishing the old fortifications at Portsmouth, and draining St. Mary's Island at Chatham. The bricks used in these works have been made by convicts, to the number of 77,181,545, and the Portland stone for them has been raised and worked by the convicts at Portland Prison.

Work of a still higher pecuniary value has been done for the convict department, in the building of new prison accommodation, which has been rendered necessary by the abolition of transportation, prisoners who would have been transported having now to be retained in prisons in England. Within the last few years, prison accommodation in cells for 1,889 prisoners has been erected entirely by convict labour, and a number of accessory buildings, quarters for officers, and so on. The actual cost to the Government of these buildings, erected for the convict department during the last few years has been about 93,000*l.*; the same work done by contract would have

¹ In Appendix XIII. is given a valuable paper by Captain Percy Smith, R.E., on the relative value of free, convict, and soldier labour.

cost 165,000*l.*, showing a clear gain by convict labour of 75,000*l.* in this comparatively small department of their labour. In these works, the bricks have been made by prisoners, stone quarried and dressed, timbers sawn and wrought, and iron cast and forged from the raw state; one thing only, almost the only one, we have bought ready-made, and that is the locks.

Among these works the largest are—a new prison for 700 women, built entirely by convicts, new wings to the prisons at Chatham and Portsmouth (of which a model is exhibited, showing a new mode of ventilation adopted). At Pentonville, an addition of 327 cells has been made under rather peculiar circumstances. The ground space is so restricted that the only way to add to the prison was by raising the roof and adding a storey, and as we were much pressed for room, this had to be done while the prisoners continued to inhabit the prison.

I have said that all the mechanics' work of these buildings is done by convicts. It must not be supposed that we found these mechanics ready to our hands among the prisoners. Out of 2,245 prisoners now employed at trades, 1,650, or three-fourths, acquired their skill in the prison; and these men will, it is thought, on their discharge be less likely to relapse into crime, as they will have full opportunities of pursuing an honest calling. The governors of prisons call attention to the great desire exhibited by the prisoners to acquire knowledge of trades, so many being anxious to learn that it is made a privilege to be obtained only by good conduct. Moreover, it is reported that the cases of misconduct are much fewer among those prisoners employed in trades than among others who are employed jobbing about, although the latter is much the easier work.

The following return shows the extent to which employment in trades is carried out in the Government prisons, and the variety of mechanics' work followed and taught:—

Number of Convicts in Prison November 21, 1870, 8,114.

Trade.	Followed before Reception.	Learnt in Prison.	Total employed as Mechanics.
Bakers	17	19	36
Basketmakers	1	2	3
Blacksmiths	27	25	52
Bookbinders	4	11	15
Bricklayers	43	222	265
Carpenters	70	161	231
Chimneysweeps	1	1	2
Cooks	1	15	16
Coopers	8	3	11
Engineers, mechanical	2	—	2
Fitters, Engine	15	6	21
Fitters, Gas	9	3	12
Gardeners	1	2	3
Grinders	1	—	1
Knitters	—	33	33
Locksmiths	1	—	1
Masons	17	162	179
Matmakers	—	36	36
Moulders	8	—	8
Painters	32	23	55
Plasterers	3	8	11
Platelayers	—	14	14
Plumbers	2	1	3
Printers	2	4	6
Riggers	19	—	19
Sailmakers	3	3	6
Sawyers, Stone	5	30	35
Sawyers, Wood	16	46	62
Shoemakers	149	348	497
Slaters	13	1	14
Smiths	16	35	51
Stonecutters	5	137	142
Strikers	20	4	24
Tailors	72	275	347
Tinsmiths	8	3	11
Turners	—	1	1
Weavers	2	16	18
Wheelwrights	2	—	2
Total	595	1,650	2,245

The greatest desire has been felt, and the greatest pains taken, to make the returns of the value of the convicts' labour at all events true, and the results as shown by the earnings are I think, not unsatisfactory, considering that the men have to be taken as they come, many quite unaccustomed to work, that they have no pay, that the necessities of safe custody tend to a certain loss of time actually at labour, and that as, for the same reason, the men must work in gangs, it occasionally happens that labour must be wasted.

Some comparisons made by Captain Harvey, in 1867, between a gang of 20 free labourers working in Portsmouth Dockyard and a gang of 20 convicts working near them at the same labour, shows very clearly the difference in the material we have to deal with, and the difference in the results. The 20 navvies were brought up to that work, and, excepting three hodmen, had never done any other. Only two of the gang of convicts had been navvies before, the rest were stokers, sailors, hawkers, spinners, drivers, coal-whippers, &c. The navvies averaged 35 years of age, were 5 feet 7½ inches in height, 36½ in. round chest, and weighed 155 lbs. The convicts averaged 28½ years of age, 5 feet 5½ inches in height, 34½ in. round chest, and weighed 132 lbs. The gang of navvies drank 413 pints of fluid in a week (a good deal of this was beer, no doubt). The gang of convicts drank 285 pints, nothing stronger than tea or cocoa. The navvies ate 10,808 lbs. solid food. The convicts ate 6,377 lbs. In physique, skill, and diet, the navvies, therefore, are immeasurably superior to the convicts, and, further, from the requirements of regularity and security, the convicts were a shorter time actually at labour. The earning of the navvies at daywork was 3s. 3d., the convicts 1s. 11d., or nearly two-thirds of what the navvies earned, and this, I believe, is as much as could be expected. This comparison bears upon another point which has sometimes been raised in connection with proposals for the useful employment of prisoners—viz., whether or not prisoners should be employed at the trades which they have followed before conviction. My own impression is, and our actual practice is, to do so as far as practicable, and excluding the period during which penal labour is enforced. But, practically, it is not possible to carry out the rule at all generally, because many of the occupations followed by prisoners outside are not such as are possible in a prison, such as shopkeepers or servants, hawkers, drivers, miners, &c., and many others would require the provision of tools, special workshops, and so on, which it would not pay to establish without the certainty of providing a continual current of men through the prisons to carry on the trades in question.

Some account ought to be given of the organization of the Department for managing the prisons in England. The Secretary of State for the Home Department is the supreme head of

all prisons in Great Britain. All regulations are issued under his authority and with his approval, and must, of course, be consistent with the Acts of Parliament. But with regard to the county and borough prisons, the means of enforcing the authority of the Secretary of State are very imperfect. The immediate control of these establishments is with the local magistrates, and the only manner in which practically the Secretary of State can enforce his authority is by withholding a certain contribution allowed by the Treasury if any prisons do not fulfil his directions.

As means of satisfying the Secretary of State as to the condition of these prisons, there are appointed, under Acts of Parliament, the Surveyor-General of Prisons, who is his adviser on all questions of prison construction, and the Inspectors of Prisons, whose duty it is to visit and report on the manner in which the Acts and orders relating to prisons are carried out, but who have no authority whatever in the prisons.

The Government prisons are managed, under the Secretary of State, by the Directors of Convict Prisons (who have recently been made also Inspectors of Military Prisons). They act under the Chairman of the Directors.

The office of Surveyor-General of Prisons (referred to above), Chairman of the Directors of Convict Prisons, and Inspector-General of Military Prisons, created by different Acts of Parliament, are united in the same person.

The military prisons have recently been placed under the immediate control of the Inspector-General of Military Prisons, so that all Government prisons, both civil and military, are now managed in one department; and as the buildings of the Government prisons are executed under the Surveyor-General, it follows that on the very important question of construction—but on that only—one system prevails throughout all the prisons in England.

The whole of the financial affairs of the Government prisons, the making of contracts, the duties of inspection, and those duties of conduct and discipline which require the intervention of higher authority than the governors in immediate charge of the prisons, are executed by the Directors.

It is the duty of the Director to visit every convict prison periodically, to see that the orders given are carried out, that

there are no abuses or irregularities, to hear appeals or requests from prisoners, and to act magisterially in trying charges against prisoners.

The necessary funds are voted every year by Parliament, the Directors being responsible for their administration according to instructions received.

In the county and borough prisons, duties of the nature referred to in the preceding paragraph are performed by local magistrates, and the funds are provided by local rates levied under the same authority.

Each prison has a governor and one or two deputy-governors; a chaplain, and, when necessary, an assistant-chaplain; a Roman Catholic priest, when the number of Roman Catholic prisoners is sufficient to require it; a medical officer, and, in the majority of prisons, an assistant medical officer. [See Appendix II.] The governor is the head of the establishment, under him are more immediately the discipline staff of warders, &c. The schoolmasters are under the chaplain; and the infirmary staff under the medical officer. There is also a clerk of works and a staff of permanent officers to instruct the prisoners in their various trades, and to measure the value of the work they execute. More minute details on the staff at any prison are to be found in the annual report of the Directors and in the parliamentary estimates laid before the House of Commons, and their detailed instructions will be found in the rules for prisons. It must suffice here to say that the spirit of these instructions is that, while it is always to be remembered that the prisoners are sentenced to undergo punishment, the dictates of humanity are to be carefully kept in view; that all the officers are to bear in mind that their duty is to reform as well as to punish, and that the conditions to ensure good health of body are to be attended to carefully.

Inspection of the prisons will show that these instructions are practically enforced, and statistics prove the efficiency of the organization for this purpose.

The sanitary condition of the English convict prisons is fully reported on in detail every year, and the statistics, with observations by the medical officers, will be found in each report of the Directors.

A perusal of these reports will show that due means are

taken to ensure conditions favourable to health, and that they obtain the desired result.

The following tables show the death-rate in the prisons for the last seventeen years, and when it is considered that convicts are, as a class, men of low physical type, born and brought up under conditions unfavourable to health, early given up to vicious courses, and with constitutions in many cases ruined or impaired by excess, it may fairly be said that the statistics of mortality show that prisoners are duly cared for in all that pertains to health, and that in that respect the conditions of their life, their habitation, clothing, and diet, are more favourable than they probably are in a state of freedom.

The history of the prisons for many years past has shown an entire absence of epidemics within them, although virulent diseases (as has recently been the case with small-pox) may have prevailed among the free population around them. During the progress of this epidemic through the country, though a few prisoners in some prisons took the disease, its course therein was speedily arrested through the precautions taken by, or on the recommendation of, the medical officers, a fact which must be taken to prove that conditions favourable to the development or propagation of disease do not exist in the prisons.

Year.	Average Number of Male Convicts in each Year.	Number of Deaths among Male Convicts in each Year.	Death-rate per Thousand of Male Convicts.	Mean of each Triennial Period.
1855	6,513	100	15.4	13.5
1856	6,036	93	15.4	
1857	6,450	64	9.9	
1858	6,343	104	16.4	13.2
1859	6,466	71	11.0	
1860	6,396	79	12.3	
1861	6,022	68	11.3	11.9
1862	5,862	54	9.2	
1863	5,903	90	15.2	
1864	6,055	88	14.5	16.9
1865	5,861	109	18.6	
1866	5,853	103	17.6	
1867	6,095	90	14.7	13.4
1868	6,593	79	11.9	
1869	7,185	99	13.7	
1870	7,942	100	12.6	
1871	8,218	110	13.4	

Average Number of Female Convicts in each Year.	Number of Deaths among the Female Convicts.	Death per Thousand Female Convicts.	Mean Triennial.		
			Daily Average Number of Female Convicts.	Number of Deaths.	Deaths per Thousand.
776.9	8	10.2	836.66	12.33	14.6
810.8	15	18.5			
922.3	14	15.1			
1,043.4	18	17.2	1,167.1	16	13.76
1,188.6	11	9.2			
1,269.3	19	14.9			
1,204.6	11	9.1	1,239.63	13.33	10.6
1,211.2	8	6.6			
1,303.1	21	16.1			
1,274.3	27	21.1	1,179.83	20.	16.9
1,248.2	15	12.0			
1,017.	18	17.6			
1,007.7	12	11.9	1,098.8	13	11.76
1,104.	12	10.8			
1,184.7	15	12.6			
1,190.	23	19.3			
1,217.	23	18.9			

the construction of the prisons the most careful attention to the important questions of drainage and ventilation, as which it will be more appropriate to enter into when with the subject of prison construction, which I hope a subsequent paper.

a prison is provided with an hospital, into which a prisoner is taken as soon as he is unable to carry on the work of the prison.

the population of the prison is largely composed of invalids, requiring constant medical care, and incapable of exposure, or employment on public works. For such cases, special prisons are appointed, the principal one being the Brixton Prison, which is constructed in a manner suitable to prisoners of this class. The labour exacted of these prisoners is regulated as the medical officer considers most suitable in each

the medical officers of all prisons are called upon monthly or quarterly to make reports, in detail, according to the forms in the forms given in Appendix IX.

the cost of maintaining the Government prisons is detailed in the report of the Directors. The following is a statement of the gross cost, and the cost per head for the last

eight years, not taking into account the value of labour done :—

Year.	Average Number of Convicts.	Gross Expenditure.	Gross Annual Cost per Prisoner.		
		£	£	s.	d.
1864	7,418	247,227	33	6	8
1865	7,184	235,773	32	16	4
1866	6,905	237,333	34	7	4
1867	7,255	244,067	33	12	10
1868	7,800	257,307	32	19	9
1869	8,578	276,324	32	4	3
1870	9,557	299,796	31	7	5
1871	9,934	313,633	31	9	4

The net cost in 1871, after deducting the value of the prisoners' labour, was 8*l.* 10*s.* per head.

(It may be well here to explain that the increase in the average number for the last two years is due to two causes — the accumulation resulting from the abolition of transportation; and the transfer to the care of the Directors of Convict Prisons of between 500 and 600 military prisoners formerly maintained in other establishments.)

A discussion intended to improve our means of repressing crime would be very imperfect if it was limited to mere questions of management of prisons, whether they be considered as places of punishment or reformation.

The object is to *prevent* crime, and our view should first be directed to ascertain the sources from which crime springs — those crimes (that is to say) which society has enacted laws to repress and determined to punish by the means under review.

An investigation of this branch of the subject would, I believe, show that all criminals might be classed under one of the following heads :—

1. Those who have been brought up without care or education, many from their early years with criminal associates, and under care of parents of the criminal class.

2. Those who are in the way of earning an honest living, but who yield casually to temptation.

3. Those of the same class who deliberately adopt a course of crime, either from a liking for the excitement, or from impatience of the slower gain of an honest life.

4. Those who, from mental or bodily incapacity, find the difficulties of making a livelihood so great that they resort to crime.

5. Those whose passions or evil habits have led to their committing crimes of violence.

One law cannot be applicable to all these classes.

To stop the supply of the first class, the law should, and does to some extent, provide that children who are likely to fall into it should be withdrawn from the custody of their negligent or immoral guardians, and brought up at the public expense. Moreover, the magistrates should not be able to impede the operation of the law.

For those of classes 2, 4, and 5, a system of stern, deterrent discipline, with inculcation of higher moral principles, is the thing needful.

Class 3 might, I venture to think, after a fair chance was once or twice given them, be locked up invariably for very long periods, as the only way of protecting society against them, and preventing them developing a class of criminals as bad as themselves.

The account which I have given of the English convict system is necessarily brief, but I hope it has been sufficient to indicate the principles on which it is framed.

I shall be satisfied if I should succeed in directing attention to the great mass of experience afforded by the various systems we have tried in the Colonies and at home, and shall have shown that our lessons have not been lost upon ourselves, but that we may fairly claim to have established a system, not of course incapable of improvements, but which, carried out as it is by a staff of earnest and faithful officers, animated by the single desire of doing their duty, has undeniably produced desirable results.

E. F. DU CANE, Major R.E.,
Surveyor-General of Prisons.

44 Parliament Street, Westminster.

APPENDIX

Return of the Establishments of the different Prisons in the Year ended March 31, 1872, made by the Chairman of the Directors of Convict Prisons.

Establishments.	Total.		Pentonville.	Millbank.		Portland.	Portsmouth.	Chatham.	Dartmoor.	Woking.	Parkhurst.	Brixton.	Fulham.	Refuge.		Woking.	
	M.	F.	M.	M.	F.	M.	M.	M.	M.	M.	M.	M.	M.	F.	M.	M.	F.
Governor, deputy governor, and lady superintendents	21	3	2	2	—	3	3	3	2	2	2	2	—	1	—	—	2
Chaplain and assistant chaplain, Roman catholic priest, and Presbyterian clergymen	24	—	2	3	—	3	2	4	2	2	1	1	2	—	2	—	—
Schoolmasters and scripture readers, and schoolmistresses	51	14	6	7	5	7	7	7	4	5	4	4	—	3	—	—	6
Medical officers, assistant surgeons, and coroner	19	—	2	2	—	2	2	2	3	2	1	1	1	—	1	—	—
Clerks	72	—	7	10	—	11	7	9	6	5	6	4	3	—	5	—	—
Stewards and manufacturers	12	—	2	2	—	1	1	1	1	1	1	1	—	—	1	—	—
Chief warders and chief matrons	9	3	1	1	1	1	1	1	1	1	1	1	—	1	—	—	1
Foreman of works and firm and clerks of works	10	—	1	—	—	2	1	2	1	1	—	1	1	—	—	—	—
Principal warders and principal matrons	74	22	6	6	4	10	10	11	12	5	7	6	—	6	1	1	12
Warders, matrons, compounders	275	56	21	36	14	44	37	47	36	16	20	17	1	11	—	—	31
Assistant warders and assistant matrons	573	78	28	60	23	108	87	113	66	49	37	25	—	15	—	—	40
Cooks, bakers, gatekeepers, porters, watchmen, nurses, and messengers	116	1	11	5	1	15	11	15	17	7	11	12	5	—	7	—	—
Engineers, enginemen, gasmen, stokers, artisans, cutters	39	—	3	6	—	5	1	2	4	6	4	1	1	—	6	—	—
Labourers, charwomen, dairymen, brick-makers, carters	21	—	—	1	—	2	2	2	6	2	3	1	1	—	1	—	—
Civil guards	149	—	—	—	—	42	30	38	29	—	10	—	—	—	—	—	—
Total Establishments	1465	177	92	141	48	256	202	257	190	104	107	77	15	37	24	92	

APPENDIX III.

No. 251.

August 14, 1865.

The Secretary of State has approved of the selection of a limited number of female convicts, whose conduct and industry has been good in prison, to be sent to a refuge in London, which has been established with his sanction.

The managers of this refuge are a committee of magistrates, who, if the conduct of the women in the refuge is good, will interest themselves as far as they can in obtaining situations and employment for them on their discharge.

Female convicts who qualify themselves by their conduct and industry for the refuge, will be eligible to be sent there six months before the period at which they would ordinarily be discharged from prison; so that they will remain in the refuge instead of a prison for the last six months of their time.

They will have an opportunity of earning some addition to the gratuity which they would earn in prison—

They will not wear ordinary prison dress.

They will be eligible for discharge on special licences.

The directors trust that these privileges will be appreciated by the whole body of female convicts, and stimulate them to qualify themselves for the refuge class by their industry and good conduct.

So soon as the mark system is in operation, the admission of women to the refuge class will depend on the number of marks they earn; for the present, the selection must be made according to the recorded industry and conduct of the women.

E. Y. W. HENDERSON.

APPENDIX IV.

EXAMINATION OF CONVICTS IN PRISON SCHOOLS.

No. 309.

May 15, 1862.

In order to test and record at periodical examinations, the efficiency of the instruction in convict prisons, and the progress made by the learners, every prisoner under instruction will be examined twice a year and his progress recorded in a book of the pattern herewith, according to the directions given. The chaplain or assistant-chaplain will do the duty of examiner or inspector of the school. The chaplain in his annual report will, from the records thus furnished, state the number of prisoners who have made progress in the various degrees.

E. Y. W. HENDERSON.

EXAMINATION BOOK.

No. and Name _____

TABLE I.—To show Class and Standard of Attainment.											
Date of Examination.											
Class and Standard.		Class.	Standard.	Class.	Standard.	Class.	Standard.	Class.	Standard.	Class.	Standard.
Reading											
Writing											
Arithmetic											

N.B.—The class shown is to be that in which the prisoner was prior to examination. The standard is to be that for which the examination shows him to be qualified. If a new standard is not attained between two examinations, it will not be necessary to make an extra entry of the standard, but merely insert the date of the last examination in the column for the dates.

TABLE II.—To show the qualification for the six Standards.

	Standard I.	Standard II.	Standard III.	Standard IV.	Standard V.	Standard VI.
Reading	Narrative in monosyllables.	One of the narratives next in order after monosyllables in an elementary reading book used in the School.	A short paragraph from an elementary reading book used in the School.	A short paragraph from a more advanced reading book used in the School.	A few lines of poetry from a reading book used in the First Class of the School.	A short ordinary paragraph in some ordinary modern narrative.
Writing	Form on black board or slate, from dictation, letters capital and small, manuscript.	Copy in manuscript character a line of print.	A sentence from the same paragraph slowly read once and then dictated in single words.	A sentence slowly dictated once by a few words at a time from the same book, but not from the paragraph read.	A sentence slowly dictated once by a few words at a time from a reading book used in the First Class of the School.	Another short ordinary paragraph in some ordinary modern narrative slowly dictated by a few words at a time.
Arithmetic	Form on black board or slate, from dictation, figures as up to 20, name at sight, figures up to 20, add and subtract figures up to 10; orally, from examples on black board.	A sum in Simple Addition or Subtraction and the Multiplication Table.	A sum in any simple rule as far as Short Division (inclusive).	A sum in compound rules. (Money.)	A sum in compound rules. (Common Wgts. and Measures.)	A sum in Practice or Bills of Parcels.

TABLE III.—To show Progress in each Subject.							
Date of Examination.							
Progress	Progress.	Progress.	Progress.	Progress.	Progress.	Progress.	Progress.
Reading							
Writing							
Arithmetic							

Write G. P. for great progress.—P. for progress.—S. for stationary.—
B. for gone back.

DIRECTIONS FOR THE USE OF THIS BOOK.

1. An examination book will be given to every prisoner under instruction. It is to be kept by the schoolmaster, and to be issued to the prisoner at all examinations.

Immediately on the prisoner joining the school he is to be examined, and his work is to be entered in this book. If at this, or at any succeeding examinations, the prisoner is unable to use the book, the schoolmaster will write a statement to that effect on each occasion, specifying the date and affixing his signature. In case of the transfer of a prisoner, his examination book will be sent with him.

2. The following work is to be done in this book at each examination :—

- a. Exercises in writing in large, round, or small hand ; not less than two lines.
- b. An exercise in dictation, about fifty words.
- c. Exercises in arithmetic in the standard to which the prisoner has attained, two or three examples in each rule belonging to that standard, and if thought fit, some examples in the rules belonging to the previous standards.

3. At the commencement of every examination the prisoner will write on the page on which he is about to enter his work, his name and number, the name of the station, and the date.

4. The chaplain or assistant-chaplain will write one of the numbers I., II., III., IV., V., or VI. on each exercise in reading, writing, or set of exercises in reading, writing, or set of exercises in arithmetic, that fairly comes under the standard of attainment denoted thereby.

5. In completing the tables on the cover of this book, the pupil is to be classed as having made progress, if he was not able to use a book at the last examination, but can do so now.

6. The ‘standards’ will be those in use by the Committee of Council on Education.

APPENDIX V.

No. 120.

February 17, 1864.

I beg to transmit copies of a table of the new dietaries for male and female convicts approved by Secretary Sir George Grey, which are to come into use on and after April 15 next.

For Male Convicts at Industrial Employment.

BREAKFAST.

$\frac{3}{4}$ pint cocoa, containing	{	$\frac{1}{2}$ oz. of cocoa.
		2 ozs. milk.
		$\frac{1}{2}$ oz. molasses.
		Bread.

DINNER.

Sunday	{	4 ozs. cheese.
		Bread.
Monday, 4 oz. mutton	{	With its own liquor flavoured with $\frac{1}{2}$ oz. onions, and thickened with bread left on previous day.
		1 lb. potatoes; ¹ bread.
Tuesday, 1 pt. soup, containing	{	8 ozs. shin of beef.
		1 oz. pearl barley.
		3 ozs. fresh vegetables, including onions.
		1 lb. potatoes; ¹ bread.
Wednesday, 4 oz. mutton	{	With its own liquor flavoured and thickened as above.
		1 lb. potatoes; bread.
Thursday, 1 lb. suet pudding, containing	{	1 $\frac{1}{2}$ oz. suet.
		8 ozs. flour.
		6 $\frac{1}{2}$ oz. water.
		1 lb. potatoes; bread.
Friday, 4 oz. beef	{	With its own liquor flavoured and thickened as above.
		1 lb. potatoes; ¹ bread.
Saturday, 4 oz. beef	{	With its own liquor, flavoured and thickened as above.
		1 lb. potatoes; ¹ bread.

SUPPER.

1 pint gruel, containing	{	2 ozs. oatmeal.
		$\frac{1}{2}$ oz. molasses.
		2 ozs. milk.
		Bread.

Bread per week	148 oz.
„ each week-day	20 oz.
„ each Sunday	28 oz.

¹ $\frac{1}{8}$ oz. of flour each, and $\frac{3}{4}$ oz. of pepper per cent. to be added to Millbank and Pentonville Diet.

*Penal Class Diet.—Males.***BREAKFAST.**

1 pint porridge, containing . . . $\left\{ \begin{array}{l} 4 \text{ ozs. oatmeal.} \\ \frac{1}{2} \text{ pint milk.} \end{array} \right.$
Bread.

DINNER.

1 lb. potatoes ; bread.

SUPPER.

1 pint porridge, as at breakfast ; bread.

Bread per week	.	.	.	.	.	.	140 ozs.
„ day	.	.	.	.	.	.	20 ozs.

Punishment Diet.—Males.

1 lb. bread per diem, with water.

Penal Class Diet every fourth day, when the diet is continued beyond three days.

DIETARIES FOR CONVICTS AT PUBLIC WORKS. ALSO DARTMOOR AND WOKING.

*For Convicts at Hard Labour.***BREAKFAST.**

$\frac{1}{2}$ pint cocoa, containing . . . $\left\{ \begin{array}{l} \frac{1}{2} \text{ oz. cocoa.} \\ 2 \text{ ozs. milk.} \\ \frac{1}{2} \text{ oz. molasses.} \end{array} \right.$
Bread (see below.)

DINNER.

Sunday . . . . .	.	.	.	.	.	$\left\{ \begin{array}{l} 4 \text{ ozs. cheese.} \\ \text{Bread.} \end{array} \right.$
Monday and Saturday, 5 ozs. beef	.	.	.	.	.	$\left\{ \begin{array}{l} \text{With its own liquor, flavoured with } \frac{1}{2} \text{ oz.} \\ \text{onions, and thickened with } \frac{1}{8} \text{ oz. flour, and} \\ \text{bread and potatoes left on previous days,} \\ \text{and } \frac{3}{4} \text{ oz. pepper per cent.} \end{array} \right.$ 1 lb. potatoes ; bread.
Tuesday and Friday, 1 pint soup, containing . . . . .	.	.	.	.	.	$\left\{ \begin{array}{l} 8 \text{ ozs. shin of beef.} \\ 1 \text{ oz. pearl barley.} \\ 2 \text{ ozs. fresh vegetables.} \\ 1 \text{ oz. onions.} \\ \frac{1}{8} \text{ oz. flour.} \end{array} \right.$ 1 lb. potatoes ; bread.
Wednesday, 5 ozs. mutton . . . . .	.	.	.	.	.	$\left\{ \begin{array}{l} \text{With its own liquor, flavoured and thickened} \\ \text{as above.} \end{array} \right.$ 1 lb. potatoes ; bread.
Thursday, 1 lb. suet pudding, containing . . . . .	.	.	.	.	.	$\left\{ \begin{array}{l} 1\frac{1}{2} \text{ oz. suet.} \\ 8 \text{ ozs. flour.} \\ 6\frac{1}{2} \text{ ozs. water.} \end{array} \right.$ 1 lb. potatoes ; bread.

SUPPER.

1 pint gruel, ¹ containing	{ 2 ozs. oatmeal. ½ oz. molasses, or salt, varied with ground ginger or pimento.
	Bread (see below).
Bread per week	168 ozs.
„ each week-day	23 „
„ each Sunday	30 „

For Convicts at Light Labour.

BREAKFAST.

¾ pint cocoa containing	{ ½ oz. cocoa. 2 ozs. milk. ½ oz. molasses.
	Bread (see below).

DINNER.

Sunday	{ 4 ozs. cheese. Bread.
Monday and Saturday, 4 oz. beef	{ With its own liquor, flavoured with ½ oz. onions, and thickened with ½ oz. flour, and any bread and potatoes left on the previous days, and ¾ oz. pepper per cent. 1 lb. potatoes; bread.
Tuesday and Friday, 1 pint soup, containing	{ 6 ozs. shin of beef. 1 oz. pearl barley. 2 ozs. fresh vegetables. 1 oz. onions. ½ oz. flour. 1 lb. potatoes; bread.
Wednesday, 4 oz. mutton	{ With its own liquor, flavoured and thickened as above. 1 lb. potatoes; bread.
Thursday, ½ lb. suet pudding, con- taining	{ ¾ oz. suet. 4 ozs. flour. 3½ ozs. water. 1 lb. potatoes; bread.

SUPPER.

1 pint gruel, containing	{ 2 ozs. oatmeal. ½ oz. molasses.
	Bread (see below).
Bread per week	145 ozs.
„ each week-day	20 „
„ each Sunday	25 „

MILLBANK, BRIXTON, AND PARKHURST.

Ordinary Diet.—Females.

BREAKFAST.

¾ pint cocoa, containing	{ ½ oz. cocoa. 2 ozs. milk. ½ oz. molasses.
	Bread.

¹ Prisoners in 1st and 2nd classes may have tea and 2 ozs. of additional bread in lieu of gruel.—December 16, 1864.

DINNER.

Sunday	{ 3 ozs. cheese. Bread.
Monday, 3 ozs. mutton	{ With its own liquor, flavoured with $\frac{1}{4}$ oz. onions, and thickened with bread left on previous day, and $\frac{1}{8}$ oz. flour, and $\frac{3}{4}$ oz. pepper per 100 rations. $\frac{3}{4}$ lb. potatoes; bread.
Tuesday, 1 pint soup, containing	{ 8 ozs. shin of beef. 1 oz. pearl barley. 3 ozs fresh vegetables, including onions. $\frac{3}{4}$ lb. potatoes; bread.
Wednesday, 3 ozs. mutton	{ With its own liquor, flavoured and thickened as above. $\frac{3}{4}$ lb. potatoes; bread.
Thursday, $\frac{3}{4}$ lb. suet pudding, con- taining	{ 1 oz. 2 drs. suet. 6 ozs. flour. 4 ozs. 14 drs. water. $\frac{3}{4}$ lb. potatoes; bread.
Friday, 3 ozs. beef	{ With its own liquor, flavoured and thickened as above. $\frac{3}{4}$ lb. potatoes; bread.
Saturday, 3 ozs. beef	{ With its own liquor, flavoured with $\frac{1}{4}$ oz. onions, and thickened as above. $\frac{3}{4}$ lb. potatoes; bread.

SUPPER.

1 pint gruel, containing	{ 2 ozs. oatmeal. $\frac{1}{2}$ oz. molasses. 2 ozs. milk. Bread.
------------------------------------	--

Women employed in washing, or other exceptionally hard work, to receive daily an extra allowance of 3 ozs. bread and 1 oz. cheese, as an intermediate meal between breakfast and dinner, and 4 ozs. of meat four times a week instead of 3 ozs.

Tea, with $\frac{1}{2}$ oz. molasses, 2 ozs. of milk, and 2 ozs. of bread, may be issued to women in the 1st class every night, and to women in the second class on alternate nights, instead of gruel. January 9, 1865. Brixton and Parkhurst.

Bread per week	118 ozs.
„ each week-day	16 „
„ each Sunday	22 „

Penal Class Diet.—Females.

Breakfast: 1 pint porridge, containing 4 ozs. oatmeal, $\frac{1}{2}$ pint milk; bread.
Dinner: 1 lb. potatoes; bread.
Supper: 1 pint porridge, as at breakfast; bread.

Bread per week	112 ozs.
„ per day	16 „

Punishment Diet.—Females.

1 lb. bread per diem, with water.

Penal Class Diet every fourth day, when the diet is continued beyond three days.

FULHAM.—BREAKFAST.

Cocoa, 1 pint, made with $\frac{1}{2}$ oz. cocoa-nibs, $\frac{1}{2}$ oz. sugar, 2 ozs. milk ; 6 ozs. bread.

ORDINARY DINNERS.

Sunday : Cold baked mutton, 5 ozs. cooked meat, 4 ozs. bread, and $\frac{1}{2}$ lb. potatoes.

Monday : Baked mutton, 5 ozs. cooked meat, 4 ozs. bread, and $\frac{1}{4}$ lb. potatoes.

Tuesday : Boiled beef as in ordinary diet, 5 ozs. of cooked meat, 4 ozs. bread, and $\frac{1}{2}$ lb. potatoes.

Wednesday : Beef pudding, to contain 4 ozs. meat when cooked, the paste to be made of 4 ozs. flour, with 1 oz. of suet ; or the same quantity in Irish stew, with 1 oz. and $\frac{1}{2}$ lb. potatoes.

Thursday : Boiled mutton, 4 ozs. cooked meat, 4 ozs. bread, and $\frac{1}{2}$ lb. hot potatoes.

Friday : Beef pie, the pie to contain 4 ozs. cooked meat, and the paste to be made of 4 ozs. flour, and 1 oz. dripping, suet, or lard.

Saturday : Soup, 1 pint, made with 3 ozs. cooked beef, 3 ozs. potatoes, 1 oz. barley, 1 oz. onions ; $\frac{1}{2}$ lb. potatoes, and 6 ozs. bread.

Women employed in the wash-house, and at other hard labour, to have 1 oz. of meat in addition, and 1 pint of broth on each day, excepting Sunday and Wednesday, $\frac{1}{2}$ lb. potatoes.

Women so employed to have $1\frac{1}{2}$ oz. cheese at such time as may be convenient every day except Sunday, and then 1 oz. cheese.

Tea : 1 pint of tea (made with $\frac{1}{2}$ oz. tea, $\frac{3}{4}$ oz. sugar, $2\frac{1}{2}$ ozs. milk) and 8 ozs. bread.

APPENDIX VI.

SYSTEM OF CLASSIFICATION TO BE ADOPTED FOR ALL CONVICTS RECEIVED INTO THE PUBLIC WORKS' PRISONS ON AND AFTER JULY 12, 1864.

No. 145.

July 22, 1864.

1.—All stages and classes as now existing to be prospectively abolished for all convicts hereafter received into public works prisons.

2.—A convict during the term of his imprisonment will be required to pass through the following classes, viz. :—

Probation class, one year, during which they must earn on public works 720 marks.	} Minimum period with good conduct and industry.
Third class, one year, during which they must earn on public works 2,920 marks.	
Second class, one year, during which they must earn 2,920 marks.	

After which they will be eligible for promotion to the 1st class.

3.—Every convict is thus required to remain in the probation class for a minimum period of one year, reckoned from the date of conviction, of which nine months will be passed in separate confinement.

4.—If his conduct and industry are good, he will then be promoted to the 3rd class, and so on to the 2nd, remaining in each a minimum period of one year.

5.—Prisoners detained in separate confinement for misconduct can-
not be promoted to the 3rd class until three months after they have
become eligible for removal to public works.

6.—The remainder of the term of his imprisonment will be spent in
the 1st class, unless he is promoted to the special class, or degraded to
any lower class.

7.—These classes will be kept quite separate from each other in the
prisons.

8.—Convicts in the probation class will be subjected while under-
going separate confinement to the special rules and regulations ap-
proved of for the separate prisons. On removal to public works they
will continue in the probation class until they have completed twelve
months, reckoning from the date of conviction with good conduct.

Prisoners in the probation class will wear the ordinary grey convict
dress without facings.

9.—Prisoners in this class on the public works will be allowed no
gratuity, nor to receive visits, nor to receive or write letters, except
one letter on reception from separate confinement; they will be allowed
one period of exercise on Sunday.

10.—If their conduct and industry are either bad or indifferent,
either in separate confinement, or after their removal to public works,
they will be detained in the probation class until they have earned an
additional number of marks to that allotted to the period to be passed
in probation.

11. Prisoners in the 3rd class will wear the ordinary grey convict
dress with black facings.

They will be allowed,—

1st.—To receive a gratuity of 12s., being at the rate of 1s. per
month for twelve months, to be earned by marks during the
time spent in this class, and if their conduct shows that they
deserve it.

2nd.—To receive a visit of twenty minutes' duration once in six
months, at such time as the governor approves, care being taken
that the stipulated number is not exceeded, and both to receive
and write a letter once in six months, provided their conduct in
that class has been good for at least two previous consecutive
months.

3rd.—They will be allowed one period of exercise during Sundays.

12.—Prisoners in the 2nd class will wear the ordinary grey convict
dress with yellow facings.

They will be allowed,—

1st.—To receive a visit of twenty minutes' duration, and both to
receive and write a letter once in four months.

2nd.—To receive a gratuity of 18s., calculated at 1s. 6d. per month
for twelve months to be earned by marks during the time
spent in this class, if their conduct shows that they deserve it.

3rd.—To be allowed choice of tea and 2 ounces of additional bread instead of gruel.

4th.—To have two periods of exercise during Sundays.

13.—Prisoners in the 1st class will wear the ordinary grey convict dress with blue facings.

They will be allowed,—

1st.—To receive a visit of half-an-hour, and both to receive and write a letter once in three months.

2nd.—Prisoners in this class will be allowed a gratuity of 30s., being at the rate of 2s. 6d. per month for twelve months, to be earned by marks until they have earned 3l. altogether.

3rd.—To be eligible, if their conduct and industry are good, and if special circumstances should render it desirable, to be recommended on discharge for a further gratuity not exceeding 3l.

4th.—To be allowed the choice of tea and 2 ounces of additional bread instead of gruel, and baked instead of boiled meat.

5th.—To be allowed three periods of exercise on Sundays.

No convict is to be promoted to the 1st class until he can read and write, except in special cases, which must be reported to the director.

14.—Prisoners in the special class will wear a blue dress. They will be eligible to be recommended for an extra remission not exceeding one week.

15. All prisoners on public works will wear a badge on the sleeve, which will show the register number and sentence of the prisoner; they will be of the same colour as the facings, except those of the probation class, which will be of the same colour as the clothing.

For practical purposes in calculating the gratuities, the following scale may be adopted :—

In the 3rd class 20 marks are equal to 1d.				
„	2nd	„	„	1½d.
„	1st	„	„	2½d.

Convicts sentenced to cross-irons or to wear the particoloured dress, while under such punishment, to be placed in the probation class; after which they will return to their original class, unless the sentence specifies to the contrary.

Convicts returned to public works from second probation in separate confinement will go through the classes in the same way as convicts first received from separate confinement.

APPENDIX VII.

PENAL CLASS RULES.

1.—Penal class prisoners will be confined in special cells, where strict silence is observed.

2.—They will take exercise for about an hour a day separately, in the presence of an officer.

3.—They will be employed at such hard labour as may be ordered, or in picking a regulated weight of oakum or coir without instruments, or in some such occupation.

4.—They will be restricted to a special diet for three months at least.

5.—They will not be allowed to receive visits, or letters, or to write letters.

6.—They will be subject to the ordinary prison punishment for ordinary offences.

7.—If specially recommended by the governor on account of good conduct at the end of three months, they will receive the ordinary prison diet.

8.—If again specially recommended by the governor at the end of three additional months, they will return to the ordinary cells.

9.—They will be credited with marks at the rate of six per diem.

10.—They should be examined by the medical officer before placing them on punishment diet.

11.—A special list of library books will be kept for the use of prisoners in the penal class, which will be approved by the directors.

APPENDIX VIII.

No. 222.

March 24, 1865.

It is in contemplation to transfer from the public works prisons to the close prisons, for the last three or six months of their sentences, such prisoners as by their continuous bad conduct on public works have shown themselves to have failed to profit by the discipline to which they have been subjected, and to send in their places prisoners who have been in the close prisons more than nine months.

You are therefore requested to send to this office, now and from time to time, the particulars of men due for discharge in about three or six months, whom you would recommend to be so transferred, including particularly men whose licences have been revoked, men repeatedly re-convicted, and men who have forfeited all, or nearly all, of their remissions, and have persevered in a continuous course of misconduct.

APPENDIX IX.

REGULATIONS.—MARK SYSTEM.

No. 146.

1. The time which every convict, under sentence of penal servitude, must henceforth pass in prison will be represented by a certain number of marks, which he must earn by actual labour performed before he can be discharged.

2. No remission will be granted for conduct. It is only on condition of good conduct and strict obedience that convicts are allowed to earn by their industry a remission of a portion of their sentences.

3. If, therefore, their conduct is indifferent or bad, they will be liable to be fined a certain number of marks, according to the nature and degree of the offence, and will thus forfeit by misconduct the remission they may have gained by their industry.

4. The scale of marks is—

8 marks per diem for steady hard labour, and the full performance of their allotted task.		
7	„ „	a less degree of industry.
6	„ „	a fair but moderate day's work.

5. No remission is granted for the period passed in separate confinement, which is fixed at nine months; a convict's marks are therefore to be calculated at the rate of six per diem, as commencing nine months from the date of conviction; and any forfeiture of time incurred in separate confinement is to be added to his marks at the rate of six for every day forfeited; but if he is detained through no fault of his own in a separate prison above nine months from date of sentence, he will be credited with eight marks per diem for the days he is so detained.

6. If by his industry on public works the convict gains eight marks per diem, and does not forfeit any for misconduct, he earns the full remission of one-fourth allowed by the Secretary of State.

7. When a convict is sentenced to forfeiture of time, a number of marks equal to the number of days forfeited multiplied by six is to be added to the whole number of marks he has to earn: as he can by industry earn eight, he may thereby gain a remission of one-fourth of such forfeiture.

8. When a convict is sentenced to be degraded for a certain time to a lower class he must remain therein until he has earned the full number of marks for that time, viz., the whole number of days multiplied by eight; such number of marks is not, however, to be added to the original number he has to earn by remission, but it represents the number of marks he must earn before he can return to his original class, unless the sentence specifies to the contrary.

Convicts in the light labour class to be credited only with six or seven marks according to their character and industry, unless specially otherwise ordered by the Director.

Convicts sentenced to separate confinement, or penal class, or while undergoing second probation, to be credited only with six marks per diem during that period.

Convicts in hospital to be credited only with six marks per diem, which may be increased by special recommendation of the Governor to the Director.

The record of marks to be kept by the infirmary principal warder, and submitted to the medical officer, who will make such recommendation as he sees fit to the Governor.

9. On Sunday marks must be allotted for conduct alone on that day.

10. Any prisoner reported for idleness or misconduct at school will be liable, in addition to any other punishment, to be fined a number of marks proportionate to his offence.

11. Convicts who, by their inattention, do not profit by the instruction given them, and are found unable to read and write on emerging from the third class, will forfeit their gratuity, which cannot be restored to them until they can do so.

The power of the Governor to fine convicts for remission is limited to the equivalent in marks of their present power of forfeiture of time, viz., from one to fourteen days, the equivalent being from six to eighty-four marks; and his power as to degradation of class is limited to three months, represented by 720 marks, which must be earned before the convict can regain his class, but which are not to be added to the total amount he has to earn for remission.

Re-convicted men will be placed in the same scale of remissions as other convicts; and if their conduct is meritorious their cases will be submitted for favourable consideration at the same period as other convicts; but they will be more severely dealt with than other convicts if they misconduct themselves. [A subsequent order deprives convicts re-convicted a third time under certain conditions of the privilege of gaining a licence.]

Convicts who by their misconduct forfeit the whole of their remission will be liable to be kept in separate confinement during the last six months of their sentence.

APPENDIX X.

AWARDING AND RECORDING THE MARKS GAINED BY CONVICTS.

No. 335.

January 10, 1871.

1. The attention of Governors and Lady Superintendents is directed to the importance of paying constant attention to the details of the working of the system of marks, in order to ensure care in awarding and recording the marks gained by convicts, and a proper check on the correctness of the entries of marks gained or forfeited.

2. No officer should be appointed to take charge of a party until the Governor is satisfied that he understands thoroughly the principle on which marks should be awarded, and shows he would be likely to carry out the system fairly and efficiently. The Governor should frequently satisfy himself that the officers continue to know and to perform their duty in this respect.

3. The Deputy Governors shall take every means of seeing that the warders in charge of parties award the marks fairly, and should, during their daily rounds on the works, examine and initial the books of a certain number of parties every day, so that the fairness of the award of marks by every officer in charge of a party may be checked by them at least once in the course of the week. The principal warders should also daily examine and initial the books of the officers in their districts for the same purpose.

4. If it shall appear to them that an officer in charge of a party does not execute this duty efficiently, they shall report accordingly to the Governor, who shall take such steps as may be necessary.

5. No less care is necessary to ensure the correct entry in the penal record, and on the prisoners' cards of the awards and forfeitures. The Governor should himself, and by the Deputy Governor, frequently examine the entries, to see that they are posted without delay, and that the clerks carry out their part of these duties with care and correctness.

E. F. DU CANE.

APPENDIX XI.

ORDER OF LICENCE TO A CONVICT MADE UNDER THE STATUTES 16 & 17
VICT., c. 99, s. 9, AND 27 & 28 VICT., c. 47, s. 4.

Whitehall, day-of , 187 .

Her Majesty is graciously pleased to grant to who was
convicted of , at the , for the , on
the day of , 18 , and was then and there sentenced
to be kept in penal servitude for the term of , and is now

confined in the Prison, Her Royal Licence to be at large from the day of his liberation under this order, during the remaining portion of his said term of penal servitude, unless the said shall, before the expiration of the said term, be convicted of some indictable offence within the United Kingdom, in which case such licence will be immediately forfeited by law, or unless it shall please Her Majesty sooner to revoke or alter such licence.

This licence is given subject to the conditions endorsed upon the same, upon the breach of any of which it shall be liable to be revoked, whether such breach is followed by a conviction or not.

And Her Majesty hereby orders that the said be set at liberty within thirty days from the date of this order.

Given under my hand and seal,

Signed,

TRUE COPY.
Licence to be at large. }

Chairman of the Directors }
of Convict Prisons. }

THIS LICENCE WILL BE FORFEITED IF THE HOLDER DOES NOT OBSERVE
THE FOLLOWING CONDITIONS.

The holder shall preserve his licence, and produce it when called upon to do so by a magistrate or police officer.

He shall abstain from any violation of the law.

He shall not habitually associate with notoriously bad characters, such as reputed thieves and prostitutes.

He shall not lead an idle and dissolute life, without visible means of obtaining an honest livelihood.

If his licence is forfeited or revoked in consequence of a conviction for any offence, he will be liable to undergo a term of penal servitude equal to the portion of his term of years which remained unexpired when his licence was granted, viz., the term of

If it appears from the facts proved before a court of summary jurisdiction that there are reasonable grounds for believing that the convict so brought before it is getting his livelihood by dishonest means, such convict shall be deemed to be guilty of an offence against the Prevention of Crimes Act, and his licence shall be forfeited.

Every holder of a licence granted under the Penal Servitude Acts who is at large in Great Britain or Ireland shall notify the place of his residence to the chief officer of police of the district in which his residence is situated, and shall, whenever he changes such residence within the same police district, notify such change to the chief officer of police of that district; and whenever he changes his residence from one police district to another shall notify such change of residence to the chief officer of police of the police district which he is leaving, and to the chief officer of police of the police district into which he goes to reside; moreover, every male holder of such a licence as aforesaid

shall, once in each month, report himself at such time as may be prescribed by the chief officer of police of the district in which such holder may be, either to such chief officer himself or to such other person as that officer may direct; and such report may, according as such chief officer directs, be required to be made personally or by letter.

If any holder of a licence who is at large in Great Britain or Ireland remains in any place for forty-eight hours without notifying the place of his residence to the chief officer of police of the district in which such place is situated, or fails to comply with the requisitions of this section on the occasion of any change of residence, or with the requisitions of this section as to reporting himself once in each month, he shall in every such case, unless he proves to the satisfaction of the court before whom he is tried that he did his best to act in conformity with the law, be guilty of an offence against the Prevention of Crimes Act, and upon conviction thereof his licence may in the discretion of the court be forfeited; or if the term of penal servitude in respect of which his licence was granted has expired, at the date of his conviction it shall be lawful for the court to sentence him to imprisonment, with or without hard labour, for a term not exceeding one year; or if the said term of penal servitude has not expired, but the remainder unexpired thereof is a lesser period than one year, then to sentence him to imprisonment, with or without hard labour, to commence at the expiration of the said term of penal servitude, for such a term as, together with the remainder unexpired of his said term of penal servitude, will not exceed one year.

Where any person is convicted on indictment of a crime, and a previous conviction of a crime is proved against him, he shall, at any time within seven years immediately after the expiration of the sentence passed on him for the last of such crimes, be guilty of an offence against the Prevention of Crimes Act, and be liable to imprisonment, with or without hard labour, for a term not exceeding one year, under the following circumstances or any of them:—

First.—If, on his being charged by a constable with getting his livelihood by dishonest means, and being brought before a court of summary jurisdiction, it appears to such court that there are reasonable grounds for believing that the person so charged is getting his livelihood by dishonest means; or,

Secondly.—If, on his being charged with any offence punishable on indictment or summary conviction, and on being required by a court of summary jurisdiction to give his name and address, he refuses to do so, or gives a false name or a false address; or,

Thirdly.—If he is found in any place, whether public or private, under such circumstances as to satisfy the court before whom he is brought that he was about to commit or to aid in the com-

mission of any offence punishable on indictment or summary conviction, or was waiting for an opportunity to commit or aid in the commission of any offence punishable on indictment or summary conviction ; or,

Fourthly.—If he is found in or upon any dwelling-house or any building, yard, or premises, being parcel of or attached to such dwelling-house, or in or upon any shop, warehouse, counting-house, or other place of business, or in any garden, orchard, pleasure-ground, or nursery-ground, or in any building or erection in any garden, orchard, pleasure-ground, or nursery-ground, without being able to account to the satisfaction of the court before whom he is brought for his being found on such premises.

APPENDIX XII.

SANITARY REPORTS ON CONVICT PRISONS, AND OTHER MEDICAL RETURNS.

No. 339.

May 20, 1871.

With reference to the rules for medical officers, in which certain periodical inspections are ordered, with a view to ensuring the health of the prisoners, and good sanitary condition of the prison, the Secretary of State has directed that in future a full and detailed report of the sickness and mortality in each prison and of the sanitary condition of the prisons shall be made quarterly according to the accompanying form. The monthly report is also to be rendered, according to the enclosed form, No. 458M. in lieu of 262 (Millbank and Brixton), and 458M. (other prisons).

The enclosed amended forms of 'Medical History Sheet, No. 443M.,' 'Medical Statistics, No. 453M.,' and 'Statement of Cases of Invalid Convicts, No. 451M.,' are in future to be used in lieu of those heretofore furnished, the object being to improve the statistics and records of the health of the convicts, and of their medical treatment while in prison.

The medical officers of the county and borough prisons have been requested to furnish a statement on the accompanying form, on the occasion of their sending an invalid convict to a Government prison.

E. F. DU CANE

SANITARY REPORTS OF MEDICAL OFFICERS.

No. 458M.

____ Prison,
____, 187 .

SIR,

I have the honour to report that according to the Established Rule, I, on inspected every part of the Prison, to ascertain whether anything exists therein likely to be injurious to the health of the prisoners, and especially whether the ventilation is sufficiently provided for and attended to, and have to report _____.

Having seen every prisoner, as directed, I beg to report as regards their present state of health, that _____.

The Visiting Director.

The following is the return of the number of infirmary sick, and of cases treated as casual sick in the wards of the prison during the month of _____ 187 .

Per Centage.

Daily average number of prisoners	
Daily average number of infirmary sick	
Number of sick in the infirmary on the last day of last } month	
Number admitted to the infirmary during the month	
Number in the infirmary on the last day of the present } month	
Number of deaths during the month	
Number of cases of casual sick, including new cases and } renewed applications	

I have the honour to be, Sir, your obedient Servant,

____ Medical Officer.

SANITARY REPORT OF _____ PRISON, FOR THE QUARTER ENDING THE
LAST DAY OF _____ 187 .

Date _____ Medical Officers.

1. State whether the temperature of the air in the cells, and other parts of the prison, has been such as to promote the health of the prisoners; whether the apparatus for warming and ventilating is in good working order, and whether the officers appointed to regulate the ventilation and warming understand the action of the system in use, and have discharged those duties with care and efficiency.

(NOTE.—*The channels through which fresh air is supplied should be examined periodically, to see that they are cleanly. Thermometers should be fixed in every hall or place occupied by prisoners, for the information of the responsible officers.*)

2. State whether the water has been sufficient in quantity, and of good quality.

3. State whether the food has been of good quality, and what changes, if any, have been made in the ordinary supply.

4. State whether the modes of preparation and serving up of the food have been according to order, and whether the cooking and baking are efficiently performed.

5. State whether the means employed to preserve cleanliness in the persons, the bedding, and the clothing of the prisoners have been sufficient.

6. State whether any nuisance has arisen during the quarter, from any defect of drainage or sewerage, or any want of cleanliness in the water-closets, sinks, urinals, or any other parts of the prison.

7. State whether any, and, if so, what, other influences in the prison, or its immediate neighbourhood, have appeared to you to exercise an injurious effect upon the health of the prisoners, and what remedy you would propose.

8. State the condition of the subordinate officers' quarters with reference to—

- | | |
|-----------------------------|---------------------|
| 1st. Cleanliness. | 4th. Overcrowding. |
| 2nd. Drainage and sewerage. | 5th. Local cause of |
| 3rd. Water supply. | diseases. |

APPENDIX XIII.

Extracts from a Paper by Captain Percy Smith, R.E., in the 'Professional Papers of the Royal Engineers,' Vol. xvi.¹

It is hoped that a consideration of the Appendices will show that the following results have been attained :

(I.) An average soldier in a working party, such as that shown at page 95, does, in his working day of nine hours, about $\frac{2}{3}$, and a convict, in his working day of seven hours, about $\frac{1}{3}$, of what a civilian does in his working day of $9\frac{1}{2}$ hours. (Appendix to page 93.)

(II.) In carrying out works a party of soldiers working only five days a week would take about $1\frac{1}{2}$ times as long, and a party of convicts (working six days a week) about three times as long as a similar party of civilians working six days a week. (Appendix to page 93.)

There is no cost whatever really chargeable to the works for a convict; that is, the department employing him has nothing to pay for him; but there is a certain extra expense which falls upon the country when he is employed upon works, in consequence of the extra supervision required when he is out and away from the prison.

The cost of this extra supervision is assumed, upon the data given in Appendix 2, to be 6d. per diem. (Appendix 2 to page 96.) Combining this information with that before arrived at, we find (see Appendix 3) that, taking working pay only into consideration, the cost per unit of work done by the soldier is on an average $\frac{1}{2}$, and of that done by the convict is (for extra supervision only) $\frac{1}{3}$ of that done by the civilian. (Appendix, page 96.)

¹ I believe the advantages of prison labour are somewhat under-estimated in this paper, because some of Captain Smith's data were taken 'on the safe side.' Also we now undoubtedly obtain better results than at the time these observations were made.
—E. F. D. C.

Many officers who may take the trouble to read these notes have doubtless had more opportunities of seeing military and convict work than has the writer, whose experience is derived chiefly from the fortifications in the Portland district, from measurements and notes upon which the data furnished in this paper have been taken. On these works he is perhaps not in a position to give an unbiassed opinion, but still it may be stated with regard to Nothe Fort (built by soldiers) that the opinion of many impartial judges—inspecting officers, etc.—has been that the work is quite equal to that done by civilians, and it was reported on by the late contractor's foreman as 'rather superior' to contract work. At Portland there are many buildings erected by convicts which stand side by side with, and cannot be distinguished from, similar works built by civilians.

The advantages of employing convicts on works are obvious. The hard work necessary for their punishment is made reproductive, it improves them physically, and is not of such a nature as to make them dogged and prevent mental improvement; they acquire habits of industry, and in many instances, pick up a trade or such a knowledge of work that they qualify themselves to earn an honest living when their sentences expire. On the other hand, they work for very short hours; they must be withdrawn from the work on foggy days for fear of escape; they cannot be kept extra hours on an emergency; they cannot be employed singly without great extra expense for superintendence, nor can they be put into many positions of trust in which they may be required.

Again, if the same work had been done by convicts, we find, by applying the information we have obtained, that the cost would have been as follows :—

	Per Cent.
Materials (the same)	46
Labour, $\frac{1}{3}$ the cost	10
Superintendence	5
Plant (the same quantity, but deteriorating 3 times as long, $3 \times 3 = 9$ per cent.)	9
Idle money (the same capital, idle 3 times as long and paying only 3 per cent., $2 \times 3 \times \frac{2}{3}$)	$3\frac{3}{5}$
Profit (the remainder)	$26\frac{2}{5}$
	<hr/> 100

In this case, again, the idle money is no loss to the department employing the convicts, which moreover does not pay the 10 per cent. for extra superintendence. The real profit accruing to the department is therefore $(26\frac{2}{5} + 3\frac{3}{5} + 10) = 40$ per cent.

We see, therefore, in this particular instance of a casemated fort, that whereas by contract the department would have to pay the full value of the work by employing military labour, a profit would result amounting to 28 per cent., and by convict labour a profit of 40 per cent.

It is evident that as the labour is the only item on which a saving can be effected, the more of it that can be introduced the greater the saving will be. The proportions given above are for a fort, the bricks and stone for which are purchased; but if the bricks are made, and the stone quarried by the cheaper labour, the profits of the brick-maker and the quarryman are added to those of the builder, and the resulting profit is, for military labour $38\frac{1}{2}$ per cent., and for convict labour 54 per cent.

To find the average amount of Work done by the Soldier or Convict, as compared with the Civilian.

From Appendices 1B, 1C, 1A we see that the values at civilian rates of the work done in days of the lengths mentioned were:—

	Hours.	Amount.
Soldier	9	3s. 2d.
Convict	7	1s. 7d.
Civilian	$9\frac{1}{2}$	4s. 8d.

Therefore compared with a civilian a soldier earns as 3s. 2d. to 4s. 8d., or $\frac{3s. 2d.}{4s. 8d.}$, say $\frac{2}{3}$.

„ „ convict „ „ 1s. 7d. to 4s. 8d., or $\frac{1s. 7d.}{4s. 8d.}$, say $\frac{1}{3}$.

But the soldier, besides working shorter hours, is at drill on Saturdays, and therefore only works $\frac{5}{6}$ the number of days worked by the civilian; the whole amount earned or done by him in a week compared to that done by the civilian is, therefore—

$$\frac{2}{3} \times \frac{5}{6} = \frac{10}{18} = \frac{5}{9}.$$

Therefore a military working party would take $1\frac{4}{5}$ as long to do the work as a similar party of civilians on day work; and as convicts work the same number of days as civilians, a convict working party would take three times as long as a civilian working party of the same strength.

From the above we may easily ascertain that in a day of $9\frac{1}{2}$ hours the following would be the values of work done at civilian rates:—

Civilian	4s. 8d.
Soldier	$\frac{10}{18} \times 3s. 2d.$ 3s. 2d.
Convict	$\frac{10}{54} \times 1s. 7d.$ 2s. 2d.

The relative amounts of work done by civilian, soldier, and convict, in a day of the same length, are therefore as follows:—

Civilian	4s. 8d., or 56d., or 11, or 1.0.
Soldier	3s. 4d., or 40d., or 8, or .71.
Convict	2s. 2d., or 26d., or 5, or .46.

To find the amount repaid by a Convict each day he is employed on the Works.

A convict costs on an average, without the extra guarding required for the works, about 1s. 8d. per diem (Appendix 9). The work he

does each day is worth, at civilian rates, about 1s. 7d. (Appendix 1 to page 96), and he costs for extra supervision 6d. per diem. Supposing him to be employed on a casemated fort, we know that the value of the labour, civilian rates, is 31 per cent., and the contractor's profit is 13 per cent. of the whole value of the work. The convict keeps the plant three times longer in use, and it costs, therefore, 9 instead of 3 per cent. ; he loses, therefore, on it 6 per cent. The value of the work done is, at civilian rates, 1s. per diem ; therefore the contractor's profit would be $\frac{1}{3} \times 1s. 7d. = 8$.

The convict would clear per diem, therefore, as follows :—

	s.	d.
He does 1s. 6d. worth of work for 6d., saving	1	1
He clears the contractor's profit, 13 per cent. . . .	0	8
	1	9
He loses on the plant, 6 per cent.	0	3½
	1	5½

That is, he clears 1s. 5½d. per diem out of 1s. 8d., his daily cost to the country. But as the department employing him pays nothing at all for him, he clears for the department as follows :—

	s.	d.
He does 1s. 7d. worth of work for nothing	1	7
He saves the contractor's profit, 13 per cent. . . .	0	8
	2	3
He loses on plant, 6 per cent.	0	3½
He clears for the department	1	11½

Statement showing the Value of the Work done in a Day of seven hours by a Working Party of Convicts.

Trade.	No.	Value of work done per man in 7 hours.	Total value of work done, estimated at civilian rates.	Remarks.
		£ s. d.	£ s. d.	
Carpenters	18	0 2 1	1 17 6	No piece-work.
Masons	20	0 1 9	1 15 0	
Bricklayers	14	0 1 9	1 4 6	
Smiths	10	0 2 1	1 0 10	
Painters	3	0 1 9½	0 5 4½	
Labourers	60	0 1 3½	3 17 6	
	125	0 10 9	10 0 8½	

This estimate of the value of work done per diem by convicts differs from others that have been made, and must be taken simply as an opinion founded upon observation and measurements on work done by convicts, and upon information received from men of great experience in convict labour.

The amount of work done will no doubt vary materially with the state of discipline of a particular prison, the nature of work, climate, &c.

Table showing the Probable Proportions of Expenditure on different works carried out by Convict Labour.

	Materials.	Labour, cost of extra superintendence $\frac{1}{2}$ cost of civil labour.	Superintendence.	Plant & tools cost to Contractor.	Idle money $\frac{1}{4}$ cost to Contractor.	Profit to Country.	Total.	Profit to War Department column, $\frac{1}{2}$ + 8 + 11.	Remarks.
Casemated work, bricks and stone purchased .	46	10	5	9	3 $\frac{3}{4}$	26 $\frac{3}{4}$	100	40	
Casemated work, bricks made and stone quarried on the spot . .	26 $\frac{1}{2}$	14	6	13 $\frac{1}{2}$	4 $\frac{1}{2}$	35 $\frac{1}{2}$	100	54	
Brickwork in thick walls. Bricks purchased . .	61	6	5	3	1	21	100	28	
Quarrying	11	16	2	21	5 $\frac{1}{4}$	44 $\frac{1}{4}$	100	66	
Making bricks	35	13	1	20	$\frac{1}{4}$	30 $\frac{3}{4}$	100	44	
Stone wall 8 feet thick, heavy stones requiring gantry	43 $\frac{1}{2}$	9 $\frac{1}{2}$	3	21 $\frac{3}{4}$	5 $\frac{1}{4}$	163 $\frac{3}{4}$	100	31 $\frac{3}{4}$	
Carpenters' work . . .	36	15	4	—	—	45	100	60	
Casemated fort—labour costing twice what it does in England—bricks and stone purchased	35	8	4	7 $\frac{1}{2}$	2 $\frac{3}{4}$	42 $\frac{3}{4}$	100	53 $\frac{1}{2}$	
Casemated fort—labour costing three times what it does in England—bricks and stone purchased	28	6	3	5 $\frac{1}{2}$	2 $\frac{1}{4}$	55 $\frac{1}{4}$	100	63 $\frac{1}{2}$	
Earthwork, digging and wheeling 160 yards .	0	22	4	6	1 $\frac{1}{2}$	66 $\frac{1}{2}$	100	90	

IRELAND.

The Convict Prisons of Ireland.—The number of Government convict prisons in Ireland is four—three for males and one for females.

The aggregate capacity of the convict prisons is for males: Mountjoy, 496; Spike Island, 712; Lusk, 100—1,308; for females: Mountjoy, 547.

The Mountjoy male and female prisons are on the separate system, but after the first stages of imprisonment, the prisoners are worked in association by day. None of the convict prisoners are placed (under contract with the local authorities) in prisons not belonging to the Government.

The aggregate number of cells is: Mountjoy, male, 496. Spike Island, ward cells, 688; light punishment cells, 22; dark cells, 6—716. Lusk, no cellular accommodation. Total, 1,212. Mountjoy, female, 505.

The ordinary dimensions of these cells is: Mountjoy, male, 13 feet long, 7 feet wide, 9 feet high. Spike Island, 372 cells are each 6 feet long, 3 feet 7 inches wide, 7 feet high; 316 cells are each 7 feet long, 4 feet wide, 7 feet high; 11 cells are each 11 feet long, 7 feet wide, 8 feet 6 inches high; 11 cells are 11 feet long, 7 feet wide, 10 feet 9 inches high; and 6 cells are 8 feet long, 6 feet wide, 8 feet 10 inches high. Mountjoy, female, 7 feet long, 4 feet wide, 7 feet 6 inches high; and 12 feet long, 7 feet wide, 9 feet 6 inches high.

They generally contain the following articles of furniture: Mountjoy, male: table, stool, hammock, etc., washing-basin, quart tin, and plate. Spike Island: hammock, mattress, pillow and bedding, form, table, water-can, washing-basin, urinal, drinking-cup, salt-cup, spoon, candlestick, comb, towel, coir cell brush. Mountjoy, female: table, stool, bed, bedding, and towel, dusting, shoe, and hair brushes, combs (2), quart tin, tin dish, basin, spoon, and chambers (2).

The officers are appointed by the Irish Government, at whose pleasure they hold office. They are previously examined by the Civil Service Commissioners.

Pensions and compensations are awarded by the Lords Com-

ioners of Her Majesty's Treasury, under the scales laid by the Superannuation Acts for superannuated and dismissed officers.

ie results of the system of progressive classification are satisfactory.

ie punishments used for breaches of prison rules or other conduct are : privation of diet and reduction in classification.

Corporal punishment is rarely employed. A full record of punishments is kept. The offences most common are : idleness, unnecessary talk, and inattention to orders.

ie prisoners are always allowed to make complaints of real or fancied grievances to directors, or governors, or superintendents of the prison. Attention is paid to their complaints. Their statements are taken down in writing, and decision made accordingly.

ie male prisoners wear frieze, with a distinctive stripe. Female prisoners are, as at all large institutions, dressed in blue. Our opinion is in favour of such a prison dress, as a precaution against escape, and to secure uniformity.

ie mask is not worn in the Irish convict prisons.

Chaplains of the Episcopal, Presbyterian, and Roman Catholic denominations are regularly appointed officers of the prison, who devote their time to the religious instruction of the prisoners. Approved religious books are supplied to the prisoners. Volunteer working visitors are not admitted at the convict prisons. Ladies of a religious community visit the Roman Catholic convicts, and ladies of their own persuasion the Episcopalians and Presbyterians, to prepare them for the refuges.

Every prisoner receives efforts for their moral and religious improvement in a generally satisfactory spirit.

The letters and visits of friends are found usually to be beneficial to the prisoners.

The proportion of prisoners on their admission either wholly ignorant, or so imperfect in their knowledge of reading as to receive neither instruction nor entertainment from it, is found to be : males, 21·74 per cent. ; females, 63·22 per cent. Schoolmasters and schoolmistresses are attached to each prison. A library is formed in each convict prison, including secular as well as religious books. The number of volumes in Mountjoy, Dublin, is 592. Mountjoy, female, 290. Spike Island, secular

books, 380 ; religious books, 4,180 ; total, 4,560. Lusk, library books, 50.¹ Many of the prisoners show a fondness for reading.

They have about an hour each evening, and on Sundays and holidays, for reading.

The sanitary arrangements of the prisons are excellent, and the condition of the prisons satisfactory. The prevailing diseases are colds, mild febrile and pulmonary affections. (See Appendix, Directors' Annual Report for 1870.)

The rate of mortality was smallest last year in Mountjoy, male, where there was no death in the year 1870.

This small rate is attributable to the satisfactory sanitary state of the prison, as well as the limited periods of detention therein.

The only penal labour in use is oakum-picking in Mountjoy Male Convict Prison for the first three months of a prisoner's confinement in separation. The industrial labour in use consists chiefly in making mats, matting, mattresses, and shoes in Mountjoy Male Convict Prison. Tailoring, shirt-making, and washing in Mountjoy Female Convict Prison. Agricultural work at Lusk Prison, and outdoor employment on public works, as stone-cutting, masonry, quarrying, and labouring at Spike Island Prison.

Each prisoner, for the first three months of his confinement in Mountjoy Male Convict Prison, is required to pick daily four pounds of oakum, value about 2½d.

The only allowance given to a convict is a gratuity, which is dependent on his classification. A prisoner has no claim to any portion of his earnings.

The prisoners work chiefly by the hour ; piece-work is in use as far as practicable in the female prison.

About 35 per cent. of the prisoners had not learned a trade or calling prior to their committal.

The average length of sentences for the last five years has been : males, 7½ years and life ; females, 6 years and 85 days.

The proportion of life sentences for the last five years has been : males, 3¼ per cent. ; females, 1·35 per cent.

Prisoners for life receive the same treatment as other prisoners, excepting that they are not sent to intermediate prisons or refuges.

¹ The religious books are chiefly Bibles, prayer-books, and catechisms of the Episcopal and Roman Catholic churches.

The proportion of the prisoners committed in each of the last five years who had been in a convict prison before is as follows: Males in 1867, $\frac{9}{31}$; 1868, $\frac{3\frac{1}{2}}{9\frac{1}{2}}$; 1869, $\frac{5}{16}$; 1870, $\frac{8}{29}$; 1871, $\frac{3}{16}$; Females, 1867, $\frac{2\frac{2}{3}}{8\frac{1}{3}}$; 1868, $\frac{9}{25}$; 1869, $\frac{1\frac{2}{3}}{5\frac{2}{3}}$; 1870, $\frac{1\frac{1}{3}}{3\frac{1}{4}}$; 1871, $\frac{2\frac{1}{3}}{7\frac{1}{3}}$. Of these the following proportions had been previously committed to prison: Males, 1867, $\frac{5\frac{1}{2}}{6\frac{1}{2}}$; 1868, $\frac{2\frac{0}{3}}{2\frac{0}{3}}$; 1869, $\frac{6\frac{2}{3}}{8\frac{2}{3}}$; 1870, $\frac{8}{11}$; 1871, $\frac{1\frac{3}{8}}{1\frac{3}{8}}$. Females, 1867, $\frac{1\frac{7}{8}}{8\frac{1}{8}}$; 1868, $\frac{1\frac{1}{5}}{7\frac{1}{5}}$; 1869, $\frac{5\frac{1}{3}}{5\frac{1}{3}}$; 1870, $\frac{1}{4}$; 1871, $\frac{6\frac{8}{9}}{7\frac{8}{9}}$. These re-committals have been ascertained from personal identification, records received with prisoners from county and city jails, and by photography.

The proportion of prisoners who were minors when committed is as follows: Males in 1867, 8·43; 1868, 12·97; 1869, 13·66; 1870, 9·31; 1871, 15·62. Females in 1867, 1·81; 1868, ·75; 1869, 2·53; 1870, 4·68; 1871, 1·73.

In reply to the question what is thought of the policy of substituting unlimited for limited periods of imprisonment, to which criminals are sentenced, so as to make the time of liberation depend on the prisoner's moral condition, and the reasonable expectation of his not relapsing into crime, Mr. Murray is of opinion that, subject to the modifications suggested to the Transportation Committee of the House of Commons, First Report, 1856, by Mr. M. D. Hill, unlimited imprisonment would be a wise and most valuable addition to the criminal code of the nation. See also Mr. Hill's charge for October 1855, and the sequel to it in his 'Suggestions for the Repression of Crime.' Captain Barlow does not approve of such a policy. Mr. Murray believes that prisoners are often set free before their liberation can be considered safe to society, or really beneficial to themselves, either because their moral cure cannot be deemed complete, or because they have not the means of getting an honest livelihood, from want of a sufficient knowledge of some handicraft, or from physical or mental weakness.

Occasionally cases occur of prisoners who are detained beyond the time when it is fully believed that they could safely be liberated.

The 'intermediate system,' for gradually preparing prisoners for liberation, is in use, and with satisfactory results.

Female prisoners needing such instructions, are taught to cook and sew; and, generally, efforts are made as far as possible, to enable a man or woman, on liberation, to avoid a

wasteful expenditure, and to turn their wages to the best account.

We should consider any such arrangement as teaching music unsuitable in a prison.

The only case in which convicts can assist their families is where they had, on conviction, private property; this, under certain regulations, they can send to their friends. There is no other way in which they can practically give that evidence of moral improvement which is afforded by a willingness to forego selfish advantages for the benefit of others.

Efforts are made to keep up the domestic ties of prisoners, such as allowing them to see members of their family, from time to time, except when, under the circumstances, these ties must be hurtful.

An agent in the case of males is appointed, with satisfactory results, to enable discharged prisoners to obtain work. Other efforts are made, through the 'Golden Bridge Refuge' and the 'Shelter' for females, to prevent the relapse of female prisoners desirous of doing well.

No means are taken to trace prisoners after their discharge, beyond the expiration of their sentences, in order to ascertain what is their subsequent career. While on licence the convicts are under police supervision, provided by the fifth section of Prevention of Crimes Act, 1871.¹

MOUNTJOY MALE PRISON.

Daily routine of prisoners in separation and association.

In summer—hours.	Disposal of time—prisoners in separation.	In winter—hours.
5.30 A.M.	First bell, prisoners rise, wash, make their beds, and sweep their cells	6.30 A.M.
6 to 7 A.M.	Exercise	7 to 8 A.M.
7 to 9 A.M.	Work in cells	8 to 9 A.M.
9 to 9.30 A.M.	Breakfast hour	9 to 9.30 A.M.
9.30 to 2 P.M.	Work in cells, except one hour's schooling, daily, for first and second school classes, and one hour's schooling three days in the week for third school class	9.30 to 2 P.M.
2 to 3 P.M.	Dinner-hour and school-teaching in cells	2 to 3 P.M.
3 to 7 P.M.	Work in cells	3 to 7 P.M.
7 to 7.15 P.M.	Supper, and double-lock prisoners retire to bed at 8 o'clock, and gas extinguished in cells at 8½ o'clock, P.M.	7 to 7.15 P.M.

¹ The above information is taken from the answers furnished by Patrick Joseph Murray, Esq. and J. Barlow, Esq., the directors of Irish prisons.

Ten and a half hours' work daily in summer and nine and a half hours' in the winter months.

Roman Catholic prisoners, in separation, attend chapel from 7 to 8 o'clock A.M. on Tuesdays, Thursdays, and Fridays. Protestant prisoners, in separation, attend church from 10 to 11 o'clock A.M. on Mondays, Fridays, and Saturdays. Sundays and holidays Roman Catholic prisoners attend mass from 7 to 8 A.M. Religious instructions from 12 to 1 P.M. The Protestant prisoners at Divine service from 10 to 11 A.M.; Presbyterian prisoners from 8 to 9 A.M. The remainder of the day is devoted to reading in cells, except two hours for exercise.

In summer—hours.	Disposal of time—prisoners in association.	In winter—hours.
5.30 A.M.	First bell. prisoners rise, wash, make their beds, and sweep their cells	6.30 A.M.
6 to 8 A.M.	Work	7 to 8 A.M.
8 to 9 A.M.	Exercise	8 to 9 A.M.
9 to 10 A.M.	Breakfast hour	9 to 10 A.M.
10 to 2 P.M.	Work	10 to 2 P.M.
2 to 3 P.M.	Dinner hour	2 to 3 P.M.
3 to 6 P.M.	Work, except one hour's exercise daily to the advanced class	3 to 6 P.M.
6 to 7 P.M.	School	6 to 7 P.M.
7 to 7.15 P.M.	Supper, and double-lock prisoners retire to bed at 8½ o'clock, and gas extinguished in cells at 8¾ o'clock P.M.	7 to 7.15 P.M.

Nine hours' work daily in summer and eight hours' in the winter months.

Prisoners in association attend chapel from 7 to 8 o'clock A.M. on Tuesdays and Fridays; with these exceptions, the routine is the same as on the other days. On Sundays and holidays the Roman Catholic prisoners attend mass from 7 to 8 A.M., and for religious instruction between 12 and 1 o'clock P.M.; the Protestant prisoners attend Divine service from 10 to 11 A.M.; and the Presbyterian prisoners from 8 to 9 A.M. The remainder of the day is devoted to reading in their cells and exercise.

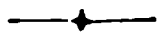
The Protestant prisoners attend at religious instructions on Mondays from 10 to 11 A.M., and on Fridays at Divine service from 10 to 11 o'clock A.M., and on Saturdays, for issue and exchange of books, from 10 to 11 A.M.

P. N. HACKETT, Governor.

February 9, 1872.

PART II.

PROCEEDINGS IN THE CONGRESS (JULY 3-13).



OPENING ADDRESS BY THE PRESIDENT.

THE RIGHT HON. THE EARL OF CARNARVON.

I NEED make to-day but little preface as to the object and history of this Conference. Its object is to gather information, to compare the different prison systems of different countries, to discuss the principles and details on which these systems are based, and to arrive, if possible, at some general conclusions. Its history is the history of a remarkable agreement by the peoples and Governments of many civilised countries on a question which they have justly considered important. The difficulties of such an agreement are proverbial; in all ordinary cases the rooted differences of race, of institutions, of climate and traditional habits, interpose; and yet here I do not despair of attaining, within certain limits, a common purpose.

I am encouraged at least in this hope by the heartiness with which nations, so different in institutions and characteristics, have thrown themselves into this question. Almost every European State has given its support. France, though embarrassed by a hundred domestic difficulties, has found time to further our objects; Italy, not unmindful of her great jurists and writers on criminal reform, takes part; Belgium has accredited one of her most distinguished statesmen to the Congress; Holland, with that sound sense which we delight to believe is a common quality of her people and of us, is interested in our objects; Switzerland, Denmark, all-enquiring all-embracing Germany, lastly the United States, who by numberless experiments have already contributed so much to the common stock of our knowledge, drawing with them from the other side of the Atlantic the South American States; have all appointed envoys, and have accepted England as the place of meeting and discussion. As is well known to all here present, we applied to

her Majesty's Government for some co-operation. The Government, however, have refused assistance and recognition, and even, as I have been given to understand on good authority, official information. I do not desire now to revive the discussion; but I am bound to express my regret at this refusal, and still more at the grounds on which I believe that refusal is based. I deny that this Conference is to be classed in the list of ordinary voluntary associations, and I must affirm that the cost to the State would be almost nominal; that there is ample precedent for the aid which we sought in the small sum voted by Parliament in 1860 for the Statistical Congress; and that, apart from the question of all money help, the official recognition of the Conference would have been an easy and a graceful act of courtesy to those Governments which have contributed in no sparing measure both money and trouble towards this undertaking. But we must accept the decision; and whilst I regret it, mainly for the sake of the Government as the representative of the State, I shall not regret it if it be understood as one more illustration of our traditional and wholesome independence of official control in these matters. We in England still, as heretofore, act for ourselves; and as our prison system is administered by unpaid magistrates, as our Industrial Schools are carried on by private managers, as our Discharged Prisoners' Aid Societies are maintained by purely voluntary agencies, so we can hold this great International Congress by private energy and liberality. Though the Government will ultimately reap the harvest of our labours, we, in imitation of those old Greeks and Venetians who were wont voluntarily to undertake great duties in the public service, need not grudge what we can give to the State.

In approaching the subject of our future discussions, I shall not, I hope, be out of place if I offer from this chair, to the many and distinguished guests whom we are happy to see amongst us, our heartiest welcome. When these discussions are closed, we hope they may return to their several homes satisfied with the results of this Conference, with the information gathered in, with the opinions interchanged, and the conclusions adopted; but we also hope that they will carry with them a not unpleasing recollection of their stay here, and the certain knowledge how greatly we appreciate their presence amongst us. We trust

that an International Conference on prison discipline may have results beyond the sphere of the dry business with which it is primarily concerned, and may indirectly contribute to strengthen those ties of comity and goodwill which ought to bind together the whole commonwealth of nations. And whilst I express my cordial welcome to them, I will not pass over in silence the deep regret with which we miss from to-day's meeting one at least whose long experience and interest in these questions, and whose goodness of heart and soundness of judgment gave to his name a more than English reputation. Many will be present whom we shall rejoice to see, some will be absent who can be ill spared ; but in the death of the late Recorder of Birmingham we lose one who would have received at least from all Englishmen present—whether coming from this or the other side of the Atlantic—an honoured reception.

The programme of proceedings on which the committee have decided is a logical and an exhaustive one. It includes, under a threefold division, first, the criminal law procedure and preventive police ; secondly, the punishment of the criminal ; thirdly, his treatment when discharged. In other words, the course to be pursued towards the criminal before and during and after his committal to prison—a wide enquiry, and one from which diverge in no illogical connection many tempting by-paths and curious speculations.

In such discussions as these on which we are now entering it is an invidious task to suggest a limitation rather than an extension of the field of investigation ; but the more diffused such an investigation is, the less likely it is to bear fruit in practical conclusions ; and so I trust that I shall not exceed my duty if I express my own belief—first, that this Conference will do wisely in restricting rather than enlarging the scope of their enquiries ; secondly, if I confine myself to-night to the sphere of penal discipline rather than of criminal jurisprudence or judicial administration. No one, however insatiable of work, need object to such a limitation ; for the subject is wide enough, so wide that it is impossible for me to do justice to it in the few remarks which by your favour it is my duty to offer. In the presence of so many distinguished representatives of other countries, I will not venture to describe the course of their legislation or recent practice, and if I seem to them to insist

too strongly upon our English view of questions in which I freely confess there may and will be differences of opinion, it is in no dogmatic spirit that I speak, but rather from the greater familiarity which I have with the subject. I hope, however, that as regards ourselves I shall not overstate my case if I say that here in England we have, in spite of many interruptions, errors and failures of purpose, entered upon a period of general though gradual improvement. In Ireland there is a system which I know will be challenged, but which I also hope will be vindicated in discussion; whilst in many of the British Colonies no unworthy efforts have of late years been made to secure a better and more uniform system of prison management.

Three measures indeed of considerable magnitude for the repression of crime have been enacted during the last eight years—the Penal Servitude Act of 1864, which was the result of the Penal Servitude Commission; the Prisons Act of 1865, which was the result of the House of Lords Committee on prison discipline, of which I had the honour to be chairman; and the Habitual Criminals Acts of 1869 and 1871, which were the result of the cessation of transportation, and the gradual conviction that somehow means must be found or made for dealing with a large body of professional criminals growing every year into more formidable proportions amidst all the difficulties of an old and wealthy and artificial society.

Certainly our prisons are not now what they were when Howard first began his task, nor do they deserve the name of palaces, as they were I think once called by Voltaire. They have passed through the extremes of undue harshness and undue leniency; and they are approaching, though they have only in individual instances reached, that middle and wholesome condition where health and life are cared for, where all facilities for moral and religious improvement are given, but where labour is exacted from all, and where a disagreeable sense of personal restraint and real punishment is brought home to each offender.

It was, in my opinion, one of the great merits of the Prisons Act of 1865 that it recalled us from the feeble and nerveless condition into which our gaols, through a not unnatural reaction from a period of undue severity, were gradually sinking; and that it re-affirmed, though in moderate terms, the principle that hard labour in the true sense of the word is an essential part of

prison discipline. It may be that the actually prescribed amount and kind of work may need reconsideration. On this I express no present opinion ; but I trust that Parliament and the good sense of the country will refuse to make any sacrifice of substantial principle in this direction, either to mere commercial money profit or to the alleged claims of moral reformation. I wish that I could think that the intentions of the Act were fully carried out; but without entering upon debateable ground, I fear that the uniformity which it was one principal object to obtain has not been secured ; that there is still considerable variety and therefore inequality of treatment ; that there is a serious deficiency of official inspection and as much practical shortcoming of the Prisons Act of 1865 as the Act itself came short of the recommendations of the House of Lords Committee. It would be well if the Legislature and Executive would remember that it is not enough to make good laws. It is quite as necessary to see that they are carried into effect, and to provide for their enforcement by an adequate machinery. We, however, attempt, or rather we pretend, to control nearly 200 gaols scattered over England, Scotland and Wales, through the agency of only two inspectors, and therefore, for the want of the necessary machinery, there still exist great discrepancies and inequalities in our County and Borough Prisons which too often render nugatory the general intention of the statute. Finally, under the Prevention of Crime Act of 1871, which embodied and amended the Habitual Criminals Act of 1869, some important measures have been adopted to weaken, if they have failed to break up, that large class which follows crime as a trade, and which—at all times a cause of trouble and grievous expense to the community—becomes a source of grave danger in seasons of popular disturbance. Recon-victions for felony receive a heavier punishment ; receivers of stolen goods are brought or are intended to be brought under the severer action of the law ; a registration of habitual criminals and the use of photography have been attempted, though I doubt whether in the most effectual manner. The police are enabled to deal with previously convicted offenders against whom there is reasonable cause of suspicion ; supervision, formerly nominal, has been made more real by enforcing a monthly report of the licence-holder to the police ; and lastly, though

this provision seems capable of improvement, it is now possible to affect in some measure the spring-head and supply of crime itself by sending to Industrial Schools the children of women who have been twice convicted, provided that they are left without visible means of subsistence, or are without proper guardianship. These doubtless are improvements, and it is possible that they may be carried yet further. I am convinced, and I have frequently expressed my opinion, of the utter uselessness and even mischief of repeated reconvictions. The Liverpool magistrates, in a recent report connected with their large and remarkable prison, state that during six months only of last year 390 prisoners were admitted who had each of them been committed at least fifteen times to that gaol alone. It is obvious that these persons—no matter what the particular offences—belong to the hopelessly incorrigible class. For them the prison loses its terrors, and becomes even their home; to them crime is the atmosphere of their daily life and thoughts; they feed upon society like animals of prey; and the court and judge, with all the solemn machinery of law, becomes, so far as they are concerned, a comedy. I believe that in mercy to them, as well as in the interest of the honest community, the one and only remedy is imprisonment for life. On the other hand, for those who are not yet absolutely pledged to the profession of crime, and who, having tasted its bitterness, desire to retrace their steps towards an honest life, Reformatories, Penitentiaries, and Discharged Prisoners' Aid Societies, offer some escape. Nor do I think that we shall travel beyond the lines of enquiry which I have indicated, if we devote some time to consider whether their administration and the principles on which they are founded are capable of extension or improvement.

Disagreeing as we must on many subordinate points, we are probably agreed in England, as ultimately also I hope in this Congress, upon at least two broad and fundamental principles, which apply both to the Government Establishments where convicts under long sentences of penal servitude are confined, and to County and Borough Prisons where offenders under less than two years' sentence are entrusted to the management of the magistracy. The Convict Prisons present of course far fewer difficulties of management from their greater size, from the greater length of the sentences, from the larger number of prisoners, and

consequently from the facilities which they offer for classification, and the greater simplicity in the distribution of work and time. But apart from such minor differences, Government and local prisons alike, and indeed all systems of penal discipline, ought to provide for (1) real and unquestionable severity of punishment both in amount and kind; (2) reasonable opportunities of moral amendment to the prisoner during the period of his confinement. To come short of the first is to come short of justice to society in its first and simplest conditions; to fail in the latter is to withhold from the prisoner that which is due to him, however guilty he may be. The adequacy of punishment is primarily secured, in the terms of the judge's sentence, by hard labour; but it must not be forgotten that hard labour is largely supplemented by the separation of prisoner from prisoner, by the restraint, the regularity of hours and occupations, the compulsory cleanliness, the enforced abstinence from drink and excess and the usual animal tastes, and perhaps most of all by that separation and seclusion which are utterly foreign to the life of the ordinary criminal. These are some of the conditions that impress upon the life of an ordinary prisoner that irksome and painful character with which it is desirable that imprisonment should be stamped. It is well and natural that disagreeable consequences should follow in the retinue and family of crime; and I believe that it is in a great measure the bitterness and discomfort of imprisonment that in point of fact deter so many, and help to draw so broad a line of division between the number of first and second convictions.

One word more on prison punishments. Where there is an intractable disposition which breaks out in acts of insubordination and violence, the employment of corporal punishment becomes sometimes necessary. It is a resource to be used sparingly and cautiously, never without medical sanction, and always with discrimination both as to the cases and the individuals. But, under such conditions I hold it to be an invaluable resource. Within my own experience, I can scarcely recall the instance where it has failed in the desired effect, or where there was room for the slightest doubt as to the expediency of the order.

There is the further and very important question connected with one of these points to which I trust that some consideration

during these discussions may be devoted—Whether or no separation, as understood in England, can be prudently carried further, and be extended to some form of solitary confinement? Solitary confinement, in the strict sense of the word—which, except in the case of prison offences, scarcely forms a part of the ordinary treatment of English criminals—is probably one of the most painful punishments that a civilised State is at liberty to inflict, and if protracted beyond a limited period is simply beyond the endurance of ordinary human nature. When so tried in America it failed. On the other hand, I have always understood that the isolation, under which a prisoner is secluded from all communication either by word or sight except with the prison officer, is carried out to a greater extent in Belgium, and with advantage. This is a question which I trust will be fully debated and explained, for it is especially one where discussion and the experience of other countries may be of exceeding value.

I spoke just now of diet and separation, but perhaps it is hard to say with precision whether they belong to the strictly penal or to the reformatory side of prison discipline. They lie on the border land, and as it seems to me exercise a powerful influence in both directions. Perhaps we have not yet arrived at any golden rule in respect of food, which combines all the requirements arising out of differences of age and strength and length of sentence. It can probably only be broad and general, and it must obviously be one to vary with the climates and habits of different races. Each country must decide this for itself, but I apprehend that we should all agree that whilst sufficient provision is made for the work that is to be exacted of the prisoner, no indulgence should be allowed and no advantage that is not necessary in a sanitary point of view should be given to the criminal over the honest but often ill-fed labourer.

Separation, on the other hand, is a principle which I hope we shall in this Conference accept. It is at all events, in the case of shorter-sentenced prisoners, essential to a good system of discipline, and may even be ranked amongst the deterrent agencies. The House of Lords Committee distinguished indeed between the separation which results from the mechanical construction of the prison, and that which flows out of the system

and discipline. On this I need perhaps only say, that if the first is very important, the second is absolutely necessary, and that if from negligence or maladministration the cellular separation of the individuals be not maintained in its rigid strictness, it is useless and sometimes worse than useless. I believe that the Act of 1865 has been productive of considerable advantage in this respect.

I have ventured to lay down as fundamental another principle of prison treatment, in the obligation resting on every Christian Government to give prisoners all reasonable opportunities of moral and religious amendment. I say reasonable, because the adequacy and strictness of punishment stand first in order, whilst the moral reformation of the individual, though it is in part supplementary to, in part inseparably connected with them, comes second. I say also religious, because there will be no moral improvement effected except through the agency of religious instruction, as is well illustrated by a resolution passed by the Prison Congress at Cincinnati in 1870, where it is laid down that of all reformatory agencies religion is first in importance, because most powerful in its action on the human heart and life.

Such inducements to amendment may be promoted, and the results will be best tested by a well-considered system of classification, under which the quantity and quality of labour are regulated, and the upward progress of the prisoner (who himself becomes in a great measure the arbiter of his own fate) through each class in succession may be accelerated by industry and good conduct. I believe that there are few natures upon which the gradual substitution of lighter for heavier work, the concession of small privileges for good conduct, and above all the sense that the duration or character of their punishment depends in a considerable measure upon themselves and their own exertions, will not exercise a wholesome effect. But let it always be remembered that good conduct means neither promises nor professions of feeling, nor even a merely passive compliance with prison rules; it means actual industry, of which some evidence can be given, and if possible, voluntary industry over and above the prescribed task. Such a result, though hard to be secured in cases of short sentence, is not impossible. In the larger Convict Establishments, larger privileges, even to the

remission of part of the sentence, are practicable, and indeed are provided for by our present law; in smaller gaols, with short-sentenced prisoners, smaller privileges of an almost nominal value may be made to have an almost equal effect; for men are influenced by the wants and circumstances of the moment, and things which in a state of personal freedom are of small account become in prison of the highest moment. But in each case the principle is the same—that each step in the ascending order of classification should depend upon the prisoner's exertions; that some privilege, no matter how slight, should follow upon each such step gained; and that as these inducements to industry and good conduct should exist continuously from the first to the last day of prison life, so they should be liable to forfeiture or diminution on any change or relaxation of moral purpose by the individual. It may be said of prisons as of free citizens, '*præmio atque pœnâ continetur respublica.*' I need hardly add to those who have studied these questions, that the best and most proved machinery for giving effect to these ideas is a scale of marks, which may be made as simple for small as it can be brought to a high degree of elaboration for large prisons. The opposition to this system, which many of us may remember when it was first introduced in Ireland, and afterwards was applied in England, has now passed away; its value is fully recognised, and it is at last understood that under no method can the prisoner's work be more effectually measured, or the diligence and fairness of the prison officers more accurately tested. I have never had the opportunity of examining for myself on the spot the Irish Convict Prisons, and it may perhaps be that, like all other human institutions, it may be susceptible of further improvement; but, subject to this, I am sure that that remarkable creation which owes so large a debt of gratitude to Sir Walter Crofton—and which so largely combines the leading principles of a great penal system in its scale of marks, its classes, its industrial work, its successive stages of penal labour, of intermediate freedom, and, finally, of a discharge upon a ticket of leave that is guarded by subsequent police supervision—presents a picture well worthy of the study of those foreign guests who have honoured us with their presence at this Conference.

And here I cannot be wholly silent on a question which

—much disputed, much misunderstood, but of no small importance—arises as to the nature of prison labour, and its remunerative or non-remunerative character. I cannot now discuss it as it deserves. I can indeed say little more than that the extent and the quality of that work ought not to depend upon the trade profits which particular gaols may make, or even upon the possible advantages which may accrue to individual prisoners from a special occupation. Justice to the community requires that the punishment of all should precede the reformation of the few, and sound sense requires that general rules should not be disturbed by too minute exceptions. It is also idle to disguise from ourselves that there are certain industrial and very profitable occupations, which are in their nature so interesting to the person employed, that they cannot with any regard for truth be recognised as penal labour. They may be suitable for deserving prisoners in the later stages of imprisonment, but they ought not to be applied universally or without great discrimination. This may, perhaps, seem the harsh view. It is, I am convinced, the one most for the ultimate benefit of the criminal. I entertain no doubt that, if only for the sake of reformatory purposes, a stage of distinctly penal labour should take precedence of all other employment; and I will go further and say that it is well that that penal condition, although diminishing with the efflux of the sentence and the good conduct of the prisoner, should never wholly disappear from the system. But let me not be misunderstood. Penal labour is not necessarily unproductive labour. Generally there is work of a sufficiently heavy and irksome kind to satisfy the requirements of justice and discipline, and yet to leave the prison authorities a reasonable margin of trade returns. Of these there are probably few by whom a deliberate preference is given to unproductive over productive work. There may be some enthusiasts who are opposed to most if not to all forms of productive employment, on the ground that such work may be brought into injurious competition with free labour; but they should only waste time by entering on the discussion of such a theory. The question which generally is in issue is really only whether the work is more or less remunerative, and whether the local difficulties and the expense of making it pay are such as to outweigh the profits. This of course can only

be decided on a consideration of each case and its merits ; but there is a school which holds—and I believe the opinion to be as dangerous as it is attractive—that all prison labour ought to be remunerative, and that the great, if not the primary object, of a prison is to make it self-supporting. But, as was stated by the House of Lords Committee in 1863, whatever may be the actual incomings from prison work, ‘ a profitable return from industrial employment ought not to be made the test of prison efficiency.’ If, indeed, it were so considered, it must lead to a relaxed discipline, and an injurious influence on the mind of the prisoner. Where, indeed, the sentence is of sufficient length, it may have the happiest effects upon the offender ; but it ought to follow upon the harder and more penal labour, and ought not to be made the equivalent for it. Whilst on this subject I will only add that the actual profits of industrial work must necessarily vary with the circumstances of different prisons. The use of machinery, the state of the neighbouring markets, the class of prisoners, the particular employments, the number of men available, and the consequent power of subdividing them for the purposes of work, are all-important conditions, and in proportion as they are wanting the less productive and profitable will the returns be.

This consideration may perhaps lead on to a question whether any change in our present system, under which each County and Borough are supposed to provide for the prisoners within their own jurisdiction, is possible ; and if so, how far, by mutual understanding or otherwise, particular prisons might be set aside for particular classes of offenders, or for prisoners confined for certain terms of imprisonment, with a view to classification and greater economy of management. My impression is, that in England the difficulties which would beset such a change would be greater than the advantages resulting from it.

The House of Lords Committee recommended the amalgamation of some of the smaller gaols ; and it is possible that this consolidation, already partially effected, might be carried even yet further. On this I now express no opinion ; I only, in passing, note the question. It was laid down by the Cincinnati Congress that the organization and management of prisons should be by the State, and that there ought to be a

central authority at the helm to guide and give unity to the whole. Some direction and superintendence doubtless there must be in order to secure that uniformity of treatment without which there can be neither justice nor good administration. It was the intention of the Prisons Act to do this; but I question much whether in England we should be prepared to go beyond this limit, and to place the management of our County and Borough prisons in the hands of the Executive Government; nor am I prepared to admit that the authority now exercised by county magistrates and visiting justices could with any advantage be transferred to the overcrowded office of the Home Secretary. Each country has its own distinctive and traditional practice, and our practice has been and is to maintain as far as possible unimpaired the authority of local jurisdictions. It may sometimes interfere with the theoretical symmetry of our institutions, but as a whole it is a principle which is sound and wholesome. I note this instance as an illustration of the differences which will make themselves felt in discussing the practice and principles of other countries, but which after all need not prevent a substantial agreement on many great and important questions. Many of the points which are described as the essence of the matter are often little more than the accidents, and the separable accidents, of it.

In connection with prison discipline, many papers will, I doubt not, be read on criminal administration and procedure and legislation. I hope, however, that the humbler and less attractive, but the not less important, considerations that ought to govern the architecture, the internal arrangements, the furniture and fittings, the diet, the sanitary and medical provisions, will be kept in view. Their value cannot be overrated, though they have sometimes been sacrificed to theories of greater pretension. I hope also that time may be found to weigh and formulate that statistical information which will be one of the most valuable results of this Conference.

On this the first day of our meeting it would probably be premature to speculate upon the extent of our ultimate agreement; but as outside these walls there is sure to be a certain difference of opinion, there may be some who will challenge the main

principles, and there must be many who will impugn the details of our modern prison system.

To the first of these we reply that we must have prisons. The time has gone by when, in reliance upon a Draconic code, the state of the law and the condition of society permitted men to dispense with numerous gaols and Houses of Correction—

*Sæcula quæ quondam sub regibus atque tribunis
Viderunt uno contentam carcere Romam—*

the time even has gone by when to this country at least transportation opened a door of escape from the difficulties and expense of keeping our convicts at home, whilst it gave the offender a chance of redeeming under a new and kindlier sky the errors of his past life. The Directors of Convict Prisons warn us, in their last report, that we must henceforward be prepared to find large additional accommodation and employment for the criminals with whom we shall have to deal. And if there must be many, so we are precluded by every article of Christian charity from allowing those prisons to be the homes of corruption and physical suffering—‘cemeteries of pain’ as they have been called—such as the Roman poet described in seeming anticipation of the gloomy buildings of a later date, though he thought them worthy of a place in Hades rather than on the upper earth.

On such a point we shall all doubtless be agreed; but when we are challenged as to the details of our modern system, we enter of course upon a different and a more debateable question. We must admit that it is artificial, and complex, and costly; and that, like all such systems, it is liable to occasional derangement. We must also admit that much of its success depends upon those who administer it in its highest departments, that there is need of a highly-trained class of prison officers, that the whole machinery is of a somewhat delicate nature, and that the wants and relations of a large prison are far more extensive than was formerly the case. But these after all are only the difficulties which, on a larger scale, beset all government in these latter days. Modern society, with its endless intersection of interests, and classes, and requirements, must be accepted as it is, and the simplicity of former times is not to be had, however we may regret it. But perhaps we may be asked to give some practical proof of the success of modern

prison discipline in the actual diminution of crime. This of course is mainly a question of figures, and it is not now the time or place to enter upon such a discussion; but it would not be difficult to satisfy all reasonable enquirers that crime, as a matter of fact, is considerably affected, though the tests that are frequently applied to success or failure are not so conclusive as they are supposed to be. Outside the prison walls the mere inference so often drawn from a certain number of reconvictions, unless all the local and other conditions are carefully analysed, is inadequate; within them the absence or decrease of disciplinary punishments may sometimes show a relaxation of authority quite as much as the proper exercise of it. Yet in spite of all such doubts we may indulge a reasonable hope that we are moving in the right direction; we must neither build our expectations too high nor be disheartened by the accidents and imperfections inherent in all human workmanship; we must have faith in the principles which, after much trial and many years of discussion, have not been lightly adopted, which we are satisfied are sound, and which, so far as they have been honestly tested, have justified the expectations of their advocates.

The enquiry, at all events, is one of no common interest to society. It concerns the statesman whose legislation may be modified if it cannot arrest the course of crime; it concerns the whole body of the community, rich and poor—but especially the poor, who annually pay a far heavier tax to the criminal class than they do to the State for the administration of justice; and, lastly, it concerns all who believe that man, however fallen and degraded, still retains some trace of the Divine Image; and that, though it is the duty of the State to punish sternly, there yet remains a certain proportion of the criminal class with whom some moral improvement is not utterly hopeless, and upon whom Christian charity may exercise her most beneficent influence. We meet to-day in this stately hall which, by favour of the learned body to whom it belongs, has been placed at our disposal. We are assembled in a place crowded with great historical memories: ability and learning, justice and mercy, the skill of the advocate and the comprehensive and balanced mind of the judge, have all been represented here in the eminent men who have illustrated their profession and

have contributed to build up that vast system of English law which affects us in every relation of life, social and political, civil and criminal. And it seems to me that I can express no better wish for this meeting than that in the enquiries on which we are entering the traditions of the past may be on us, and that we may discuss the subject which has called us together in a manner and spirit worthy of the place and of its own importance.

QUESTIONS DISCUSSED AT THE CONGRESS, WITH THE DISCUSSIONS THEREON.¹

I.—*What ought to be the maximum number of prisoners or convicts detained in any prison?*

On Thursday, July 4th, Dr. E. C. WINES presided. Before the discussion of the first question he made the following remarks.

Ladies and Gentlemen: Called by the kindness of the International Committee to preside over this dignified assemblage, on this its first working day, while expressing my gratitude for so distinguished an honour, I beg to add a remark or two touching the occasion which has brought us together from so many different countries. This Congress is convoked in the interest of humanity, of civilisation. It is composed of thinkers and workers in one of the great departments of social science and social reform—representative men and women, gathered literally from the ends of the earth. We have here representatives of governments, of prison societies, of penal and reformatory institutions, of governing boards of penitentiary establishments, of high courts of criminal jurisdiction, of police boards, of associations of jurists, of the penal law departments of universities, and of the Academy of Moral and Political Sciences of the Institute of France. There are present also many other persons who, though not belonging to either of the categories named, have long been devoted to penitentiary and humanitarian studies, and who have brought their great knowledge and their great hearts to help us in our labours. The special work of this Congress is to study and, if possible, to solve the problems, as grave as they are difficult, involved in the treatment of crime and criminals. The Congress, composed as has been

¹ The programme of questions submitted to the Congress was framed on principle of considering: *first*, questions relating to the prisoner before conviction; *second*, questions relating to the prisoner during the time of punishment; and *third*, questions relating to the prisoner after discharge. The International Committee appointed a separate speaker beforehand to open the discussion of each question.

explained, and embodying, therefore, representatively, the knowledge, experience, and wisdom of the world on this subject, has a great opportunity before it, great and full of promise. It is as great an opportunity as the noblest ambition could desire, but equally great is the responsibility which it brings with it; for let it be remembered that opportunity and duty are evermore correlative. God has joined them together, and man cannot put them asunder. The business of this Congress, if I conceive it aright, is, not to fritter away its time, strength, and zeal, in minute details, and especially not to give expression to a preference for one penitentiary system over others, but to agree upon certain broad principles and propositions which may be made to underlie, permeate, vivify, and, above all, to render fruitful any and all systems of criminal treatment. We have come together to give shape, point, and practical force to a great movement in favour of penitentiary reform, may I not almost say a great upheaval of the public conscience throughout the civilised world on this subject. Let us see to it, that we rise to the full height of our duty. Let us see to it that we give a wise direction, as we can hardly fail to impart a strong impulse, to the movement I have indicated. If we do not fail in this, as I feel sure we shall not, and if we follow up our present work with some permanent organization that shall perpetuate, enlarge, and intensify its results, it seems to me not an unreasonable hope that the next fifty years will see a progress in the methods and processes of criminal treatment, and especially in the principles and application of a reformatory prison discipline, which all the ages hitherto have scarcely witnessed.

Ladies and gentlemen of the Congress, let us address ourselves to our work with courage, resolution, intelligence, and, above all, with a hearty love of truth and a genuine brotherly accord, and we cannot doubt that the guidance and blessing of Heaven will attend our labours.

Herr Ekert (representative of Germany): The question which I have the honour of introducing before this distinguished assembly is not a new one, but it has been carefully considered by me in practice. During the many years I have had charge of a prison at Bruchsal, with 500 cells, and in which thousands of prisoners have been under my treatment, the question has been forced upon my attention. My duties have

included the economical details, labour, and finances. As president also for some time of the German Prison *Verein*, I have had an opportunity of obtaining information from all parts of the world on the reform of prison systems. That entire reform depends on the sufficiency of the measures taken for it. The more the security of a prison is required, the greater the demand upon it of an enlightened age; the less can this be effected if the number of inmates is made too large. The result is the same whether the justice of punishment or hope of reformation is considered. Without individualisation an effective treatment of prisoners is impossible, and the larger their number the less practicable is individual treatment. An increased number of subordinates does not answer the purpose. The Irish system in particular requires a searching treatment of every individual prisoner. After ascertaining the opinion of many competent authorities, and as the result also of my own researches, I think the number of 500 in a single prison should not be exceeded. The financial side of the question should not be made paramount. Where money considerations prevail, all reform too frequently comes to an end. However, the question for discussion does not embrace the cost of the reform. I think the number should be rather less than 500 than exceed it.

Sir John Bowring (Exeter) remarked that much money would be saved by gathering a large number of prisoners under one roof. Prison discipline, also, might be made much more efficient in the case of a large number. At present individual idiosyncrasy was too little attended to. The elements of improvement and the tendencies to deterioration ought to be considered in the treatment of a prisoner, and the larger the scale on which such observations were made the more valuable would be the results. Labour was more productive when carried on on a large scale, and moral influences were also more effective, just as a preacher was more likely to make an impression on a large congregation than on a small one, and just as instruction could be more easily communicated in universities than in smaller establishments. In China emulation was so keen that some actually died on entering into the competitive schools, knowing that, if successful, the highest honours awaited them. He had known the son of a man of

mean position rise to the highest position in the empire. Now large prisons gave the best scope for emulation and moral influence.

M. Vaucher Cremieux (representative of Switzerland) concurred with Herr Ekert. It was difficult to exercise supervision over a large number of prisoners, and the smaller the number in cellular prisons the more surveillance and good guardianship were facilitated. M. Demetz's opinion was that 300 or 400 was a sufficient number. As for convict establishments, the number should not exceed 1,000. It was obvious that with a large number labour was more productive and the cost of management smaller.

M. Stevens (representative of Belgium) admitted that large prisons were economical, but deprecated the question of expense being preferred to the reformation of criminals. The object should be to make the prisoner capable of becoming an honest citizen. A distinction, however, should be made between prisons and penitentiaries. He agreed with Herr Ekert that in the latter 500 should be the maximum. It was an onerous task to treat 500 men, and a smaller number would be better if the cellular system prevailed. Of course instruction was more costly in the case of a smaller number, and it was more difficult to carry on a variety of occupations. Some consideration should be given to this side of the question, but it should be subordinated to the reformation of the prisoners.

Dr. Mouat (late of India) had been for fifteen years inspector of prisons in the largest presidency of India, where such large numbers of persons had to be dealt with that this question had been looked at from every point of view. Excessive subdivision of prisons would be too costly even for the richest country; but, on the other hand, with a very large number of prisoners, individual treatment was impossible, and to send out a prisoner a better man than he came in was more important than financial considerations. He would make 1,000 the maximum, and mere supervision and general control ought not to cost more for 1,000 than for 500. The subordinate staff should of course be large enough to attend to the details and to the treatment of each prisoner. The Prison Committee of 1864 fixed the number in India at 1,000, partly on financial grounds, and also with a view to moral and disciplinary treatment.

Herr R. Petersen (representative of Norway) had been for thirteen years governor of the Christiana Penitentiary, where the average number of prisoners was 224. He had long thought that number too small, and agreed with Mr. Hepworth Dixon that large prisons could be more easily managed than small ones. With a small number of prisoners there was a tendency to go too much into detail and speak too much with them, whereas, as Dixon remarked, if we could not reform prisoners, we should be careful not to corrupt them. Prisons based on the separate system should have between 300 and 400 inmates.

The Hon. H. H. Leavitt (representative of Ohio, U.S.) said the Ohio Penitentiary contained 1,000 convicts. A large number in that instance appeared successful, for a most hopeful reformation was in progress.

Colonel T. H. Colville (governor of Coldbath Fields Prison for nearly eighteen years) had once nearly 2,200 persons under his charge, and had never had less than 1,500. One year he received 13,000 prisoners. He had found no difficulty in maintaining discipline, and a cheerfulness had prevailed which had often surprised him. A large prison was obviously more economical than six or ten small ones, especially in London, where the population was so great. All the advantages of smaller prisons ought also to be secured by a proper number of officials. No doubt, however, there was a tendency to be too economical and to limit the number of officials. Ten small prisons would have ten schoolmasters, but at Coldbath Fields there was only one for the men. Much must depend on the circumstances of the locality: a prison for 2,000 inmates would be as absurd for Rutland as one for 200 in London.

Dr. Frey (representative of Austria) thought it impossible to fix a precise number. The great question was how far the governor would be able to come into personal contact with each prisoner. If, as in Austria, he was free from all economical matters, and had nothing to do but watch the prisoners and see that they were well treated, he could attend to a large number; but if he had other duties the number must be much smaller. The number also depended on the degree of culture of the prisoners: the higher the degree the larger the number might be.

On the reception of the official report of the discussion,—

Mr. Frederic Hill contended that there might be individual treatment in a large prison. At Mettray the number was very large, but the inmates were portioned out in small groups, with a person at the head of each. The Glasgow prison, when he was acquainted with it, had many hundreds, but there was individual treatment.

Mrs. Janney (Ohio, U.S.) said the Ohio authorities thought 600 the most suitable number. A governor who was a man of a religious nature and moral influence could not become individually acquainted with 1,000.

Mr. J. A. Foote (Ohio) said in American reform schools large numbers had been found most effective. Personal inspection was compatible with this.

General Pilsbury (Albany, New York), was for 500 or 600. If the number at Albany was increased to 1,000 he should not be able to give individual attention.

Professor Foynitsky (St. Petersburg) thought individual treatment should not be sacrificed to financial considerations. In the case of a large prison there should be several governors, each taking charge of a certain number and conferring together.

Baron von Holtzendorff (Berlin) considered number dependent on the system of management. In a cellular prison 500 should be the maximum, and perhaps 300 would be better, but public works prisons might have 600 or 1,000.

II.—*Ought classification of prisoners according to character to be considered as the principal basis of any penitentiary system, whether associated or separate?*

Councillor E. d'Alinge (Saxony): The criminal is a moral invalid whom we desire to help. This help we can only render by interrupting his course of action, directed as it had been against the welfare of society, with the sentence of the law, and also by endeavouring to prevent a future relapse in the carrying out of that sentence. The question arises what have we to do in order to attain this end? During the carrying out of the sentence we shall have to take care to ascertain the moral failing which prompted his criminal course of action;

we have next to employ means adequate for the removal of this failing: and, finally, we have to provide the convalescent with the full power of resisting, by dint of his own efforts, a relapse. This achieved, the morally sick is restored to health, to temporal and spiritual salvation. Such restoration is the object aimed at by those to whom the carrying out of the law is entrusted. It will be asked by what means is this to be achieved? Surely not by a system of punishment, nor by collective or cellular imprisonment; neither the progressive nor any other system alone will improve the prisoner. The only effective means are instruction and education, if by the classification of the individual they are made thoroughly available. The first problem of the penitentiary authorities, then, is to obtain as clear an image as possible of the mental and moral condition of the prisoner. The obtaining of such an image is fraught with more or less difficulty, according to the degree of which the detained individuals may be classed under two heads:—1. Those in which such an image or delineation is at once patent to the practised eye of the official; and 2. Those in which this cannot be done at once.

Those under the first head can be there and then psychologically and pedagogically disposed of; the place best for their education will be readily found. Those under the second head must be isolated and watched until they are understood and can also be placed. What is it that we ascertain by these diagnoses?

Evidently one thing or another. Either we find that the prisoners are morally so depraved as to render their power of will for the exercise of that which is good equal to zero—and in this case another will has to be substituted for their own—or they have sufficient power left to rouse themselves and to strike out a better path on the strength of their spontaneous resolve. To one of the former class we say: ‘You *shall* become a better man;’ those in the latter say, ‘I *will* become a better man.’ Both classes must, of course, be subjected to the same laws and regulations, and it is consequently difficult to ascertain exactly how much is affected by the law, and how much by the will of the individual. It appears, hence, necessary to establish conditions which will allow a safer judgment on these points, and to submit to these, those prisoners on

whom we believe to have operated with success. Thus the inmates of a penitentiary naturally divide themselves into three sections, which are best designated as disciplinary classes. Those who show little or no inclination to meet the educational endeavours of the authorities, and especially those who by relapses distinctly betray a deficiency of will, only turning to at the words 'You *shall*,' form the *third* disciplinary class or the lowest grade. Those who, with the thought 'I *will* be better' in their minds, co-operate readily with the exertions of the authorities in raising their moral culture, and who, with a determined will and all their strength, profit by the means placed at their disposal, form the *second* disciplinary class. Those, lastly, who for some time have worked at their improvement, and justify a hope of steady progress on their return into society, form the *first* disciplinary class. Such classification, of course, excludes the idea of being laid down as an exact pattern for every prison system, and it demands of the managers a course of action similar to that of the physician. He treats in an operative, curative, and dietetic manner; and they have, likewise, by the employment of adequate modifications of prison discipline and educational agencies at their command, to treat the prisoner operatively, curatively, and dietetically. Such a classification, based on true psychological individualisation, will and must, in every prison system, work to the highest benefit of the detained, and, in consequence, improve the political condition of the country adopting it.

Herr d'Alinge added that in Saxony prisoners are separated into three classes—the first a very strict one; the second somewhat milder, which the prisoner enters on showing a desire to do better; and the third still more lenient, entered when he has shown that that desire for improvement is an earnest one. This system has been applied to 50,000 prisoners with the greatest success.

M. Stevens (representative of Belgium) thought classification extremely difficult. External good conduct could be judged of, but how could the conscience be searched? The Creator alone could do this. In Belgium there were three classes in the congregate prisons, the good, the bad, and the indifferent, but the classification depended only on external conduct.

Dr. Mouat said the universal opinion of prison officers in India, of whom sixty were under his control, was that moral classification was impossible. The greatest hypocrite was probably the greatest blackguard in the prison. Prisoners did their best to conceal their real character, lest they should incur harsher treatment. A moral barometer was a chimera.

Mr. William Tallack was of opinion that there was a great want of classification in our convict prisons with respect to the semi-lunatic and semi-imbecile. Three months ago, on visiting Spike Island, he found forty or fifty semi-imbecile convicts weak-minded that they could not be left to themselves at night. The governor and Roman Catholic chaplain complained to him of such men being mixed up with the other convicts. At Millbank a few years ago he remarked some cells with their walls padded with matting to prevent poor fellows from dashing their heads against the wall. Surely these men were not fit for the extremely penal treatment of a convict prison. He agreed with Dr. Mouat that moral classification was impossible and this was one of the strongest arguments for the cellular, not solitary, Belgian system, under which every prisoner was in a class by himself.

The Right Hon. Sir Walter Crofton, C.B., said Spike Island was not a prison at all in a strict sense, but a barrack utilised for the prison service. It was true there were some semi-lunatics there, confined in a certain part of the place under medical supervision; but when certified as lunatics by two medical officers, they were removed to an asylum. The utmost care was shown them, both at Spike Island and Millbank. No doubt any governor would rather be without such men, involving great trouble and responsibility, and it would be much pleasanter to have a separate building for them, but the question of expense had to be considered. If they could be properly cared for in a portion of a prison, no great abuse could arise and the very fact of padded rooms showed the care taken that they should not injure themselves.

Dr. H. Marquardsen (Germany), as professor of laws, had paid some attention to prison discipline, and, as a member of the Reichstag, had to take part in enacting laws. He did not believe moral classification was practicable. No doubt some system of classification was better than none at all, but he

not believe in classification only, and this was the opinion of high authorities in Germany. The cellular system was the sole basis of classification.

Mr. Serjeant Cox remarked that a person committing manslaughter, or any serious crime under sudden passion, though probably much superior morally to the habitual thief, received a much severer sentence. Crimes of violence, the result of temptation or passion, were punished severely, as being dangerous to the community, though not of themselves indicating great moral depravity, whereas petty criminals were often thoroughly depraved. It was monstrous that the two classes should be treated alike in prison; and however rude the classification, it would be better than none at all.

Colonel Ratcliff thought a distinction should be drawn between convict prisons and petty sessions prisons. In the latter, with prisoners under a few weeks' or months' sentences, classification was out of the question. In the former, classification could be arranged.

Baron von Holtzendorff (Berlin) argued that Herr d'Alinge's practical experience had refuted the allegation of impossibility. Isolation and the cellular system had arisen from the alleged impossibility of classification; but the progressive system involved classification, and the problem had been solved by Germany, and, to a certain extent, by Sir W. Crofton's system. The mark system was a self-acting method of classification according to behaviour. God alone could gauge the inner man, but the outer man could be tested by behaviour and industry. If he played the hypocrite, he must be left to God. He did not know how much of the success of classification in Saxony depended on Herr d'Alinge's personal character and ability. Perhaps the system could not be made general.

Dr. J. B. Bittinger (Pennsylvania, U.S.) urged that prison discipline had always been based on classification. First sexes and ages were classified, and then there was a succession of prisons, from the most lenient reformatories to the most severe convict prisons. The man who had committed a crime in hot blood, or while intoxicated, and the habitual criminal, ought not to be treated alike in prison. The latter was hopeless, crime being his profession; while the former was the victim of misfortune. A sense of justice was essential to reform; and if

they were put on the same footing, the pickpocket would despise justice, while the other would resent being made a felon. Surely a governor knew whether a prisoner gave evidence of reform, just as an employer knew the character of his men.

Herr d'Alinge could have shown the practicability of the system had more time been allowed him. He could understand gentlemen dealing with 2,000 or 3,000 prisoners not agreeing with him, but he could not understand how M. Stevens, who adopted a smaller number, could think classification impossible. In everyday life, at home, at school, in the streets, classification was constantly going on. Why, then, could it not be carried out in prison?

M. Stevens said he had been misunderstood. There were two kinds of classification—the first based on obedience and submission and industry; the second on moral disposition, which was more difficult, for God alone could penetrate the soul. In Belgium two systems were recognised, one based on external conduct, the other on moral conduct, which was judged of at the end of the year, and was a much more doubtful matter.

Dr. Mouat, in reporting upon the discussion, says: The discussion of character as the principal basis of classification in any penitentiary system was considered from two points of view: the one, that it was impossible to determine the exact value of an unknown quantity and of a quality so difficult to gauge with precision as to render any conclusions based upon it doubtful and uncertain. The other that, as the morality of a crime and a criminal has an intimate relation to the judicial sentence awarded to it and to him, there should be no difficulty in dealing with sentenced prisoners in a similar manner. The general tone of the discussion appeared to indicate that classification, however imperfect, was preferable to an entire absence of it; that criminals who made crime a calling, and preyed upon society, and whose low moral status was determined by those conditions, should be placed in an entirely different category from those whose crimes were due to sudden, uncontrollable impulses, and were not the result of a degraded nature and a vicious course of life. The system of observation after imprisonment, by which the prisoner controls and guides his own treatment, and the class in which he is placed, was in the main approved. There was also a tolerably general consensus that,

as individualisation is the basis of all moral treatment and amendment, so each individual should be treated as much as possible as a separate entity. That for good conduct, industry, obedience, and other external and manifest indications of amendment, the prisoner should receive due credit and be classed accordingly, but that too great stress should not be placed upon them as indicating real reformation, inasmuch as that is a point of conscience between him and his Maker which cannot be determined absolutely by any human means. Likewise, that classification in convict prisons and houses of detention and correction for minor offences must be treated in a different manner, with special reference to the very different circumstances of the persons in each of them.

III.—*Should the prison system be regulated by legislative act?*

M. Stevens (Belgium): This question requires an affirmative answer. Since the law fixes punishments, and clearly determines their character, it is also the only means each country has for securing a uniform execution of the sentences it pronounces. The law must not only impose imprisonment, reclusion, hard labour, &c., it must also clearly specify in what these punishments consist. In a word, the character of the punishment ought to have the same certainty and uniformity as the law itself, in virtue of which it is inflicted. Prisoners should be placed under the direction of a central authority. The regulations of the public administration would determine the prison administration, the mode of surveillance, and the moral and material treatment to be adopted in conformity with the law, or would leave a certain latitude to the executive authority, making, however obligatory, a due regard for the principles fixed by the law. When prison treatment is not regulated by law, this latitude is very great, and might be made an excuse for arbitrary management, if the administration was disposed to abuse its power.

Baron Mackay (representative of Holland) agreed with M. Stevens that legislation should lay down principles of prison discipline. To use an English phrase, they should be settled by Act of Parliament and not by Orders in Council. In Holland

the law determined the way in which a prisoner should be locked up in his cell, leaving details only to the authorities. There was no subject on which information was more rapidly increasing than prison treatment, and it was undesirable legislation to enter into details, which could not then be easily altered from time to time.

Mr. Frederic Hill, as a former inspector of prisons, had been working both of the English system, in which legislation had laid down a great many details, and of the Scotch system, in which the plan suggested by M. Stevens was adopted. The Government instructed him to draft a bill regulating Scotch prisons, and in it he laid down principles, leaving all details to those entrusted with the management, who could make alterations from time to time as experience suggested. The work of this was far superior to the English system, which fettered the officials too much. Of course there should be persons to superintend the working of each responsible to Government and Parliament.

Dr. Mouat said the Indian system approximated to the Scotch. Mr. Fitzjames Stephen, in drawing up the Prison Act of 1870, confined himself to general principles, leaving details and the framing of rules to the local authorities. Minute regulations should not be embodied in Acts, for laws could not be changed every week, whereas details left to skilled authorities could be altered whenever required.

Baron von Holtzendorff (Berlin) said the German Reichstag had taken the same view. The criminal code had hitherto given only the names of different kinds of punishment, and required generally that convicts in houses of correction should be kept to labour, but this was permissive, not obligatory. The Reichstag had asked the Government to frame a rule defining each kind of imprisonment. While in England there were a variety of prison disciplines, the administration of county and borough gaols being largely left to the local authorities; in Germany, and especially in Prussia, all regulations for prisons emanated from the Government. There was consequently great uniformity, and no such difference could exist as prevailed in England between gaols and convict prisons. Scotch governors had no confidence in any system but their own, and it was necessary to put some restraint on them. Legislat

t to decide whether corporal punishment should be inflicted, not leave it, as in Germany, to the discretion of the governor. could also lay down the maximum and minimum severity, leave the application of it to the governors. In the Grand Duchy of Baden the law is laid down that for a specified time a prisoner should be treated on the cellular system.

Mr. Beltrani Scalia (representative of Italy) stated that in Italy, for a long time past, the law had laid down principles, but left the execution of them to the authorities.

Mr. G. W. Hastings, as a delegate from the Worcestershire Prisoners' Sessions, objected to any attempt to obtain the benefit of a uniform system by sacrificing local action, and that diversity of experiment which was the only way of arriving at the best treatment. It was impossible to say what was the best system of prison administration under all circumstances, in all countries, or even in all parts of countries. It was necessary for the Legislature to lay down certain broad principles, but within those limits entire liberty should be left to local administration. Valuable experiments in county prisons in times past had led to improvement in the whole of our prison system. Herefordshire, for instance, had formerly a better system of discipline than prevailed in county prisons, or even in the Government prisons. Under a stereotyped system which fettered the administrators, its faults—and there would certainly come some—would be without hope of remedy, whereas, by room for experiment and diversity of action, a much better system would ultimately be arrived at. He trusted efforts would be made to obtain an interchange of experience and information among visiting justices, as had been effected by Mr. Baker among boards of guardians.

Mr. T. B. L. Baker (Gloucester), as one of the early founders of reformatories, went on for some years without help or assistance from the State. The Home Office offered assistance, and proposed inspection. To this he acceded as a very proper suggestion, but he objected to interference with his work, and said that it should be judged by its results. If boys went on improving after leaving the institution, and crime of that class diminished, the reformatory should be judged by that, and not by the size of the beds or rooms. Prisons should be treated in the same way. If they would keep an account not only of

the antecedents, but of the *subsequents* of prisoners, and of the amount of crime in the country, taking due care, of course, of the prisoners' health, they should be judged by this and not by the size of cells, the shape of the prison, rules as to diet, &c. This plan had worked well with reformatories.

M. Berden (representative of Belgium) supported the view of his colleague, M. Stevens. In Belgium a special law, a modification of the Code Napoléon, laid down the principles of prison administration, but left sufficient discretion to prison authorities to deal with individuals as circumstances might dictate. Two systems existed, the cellular and the mixed, but most of the congregate prisons were being adapted to the separate system, to which the Legislature had given the preference as more repressive and reformatory. Good conduct enabled prisoners to obtain a reduction of their term of imprisonment. Prisoners who, from ill-health or other causes, were unfit for the cellular system, were not subjected to it; for those subjected to it the law gave general directions which worked well, being sufficiently elastic.

M. Ploos van Amstel (representative of Holland) reports: There was general agreement with M. Stevens's observations, and according to the communications received from England, India, Germany, Italy, Belgium, and Holland, law regulates the penitentiary treatment. According, however, to the speakers, the law should not engage itself too much with details, as this would obstruct useful and necessary improvements. It was remarked that a rule can be much more easily altered than a law, and that it was impossible not to fetter the authorities too lightly.

IV.—*Ought corporal punishment to be admitted in the disciplinary code of a penitentiary system?*

M. Stevens (Belgium). To this question is given a negative answer. Corporal punishments tend to brutalise the prisoners. There are undoubtedly among them some natures so vicious that severe means are necessary for their restraint. But the punishment should never be of a brutal, but always of a moral nature. Bastinado and flagellation can never open a road to a

man's heart. Such punishments, as a French workman said, can only affect the hide of a prisoner while degrading him to the level of the brutes. In matters of punishment as in matters of discipline, it is important not to misapprehend the part punishment plays, to distinguish clearly the means from the end. The means consist of punishment at once severe and benevolent: the end is the reformation of the culprit, which will be certain in proportion as moral influence predominates over mere fear of chastisement. Those who use such chastisements as leave in the heart only sentiments of hatred and vengeance, may be reproached with having neglected to use in due time those moral and religious influences which alone are able to lead men to obedience and duty. It is an error to believe that all prisoners are for ever lost as regards an honest life, and that they can only be governed by severity. It is for this reason that all our disciplinary measures should bear the impress of humanity. We ought never to forget that only too great a number of prisoners are undergoing their first sentence, or are poor neglected children cast on the world without education and without support, or are ignorant men. Experience has proved that good discipline can be maintained without frequent recourse to punishments, and that many prisoners are led to obedience by the moderation and justice displayed towards them by the administration. It may be remarked, in conclusion, that in Belgium the prison regulations do not allow any kind of corporal punishment, and any officer striking a prisoner, except indeed in self-defence, would lose his situation.

Major Du Cane (Director of English Prisons) remarked that corporal punishment was familiar to all from infancy, and had existed in all ages of the world. Prisoners were not persons of refined and delicate feelings, whose moral natures were easily influenced, but persons who had to be reduced by discipline to a proper frame of mind. He believed it would be impossible to preserve discipline and to protect the officers—a few men amid large bodies of prisoners, many of turbulent dispositions—without the fear of corporal punishment. Voltaire had said of the abolition of capital punishment, 'Let the assassins begin it;' and he would say the same of corporal punishment. When criminals abstained from the use of their fists or of deadly weapons, flogging might be remitted, but till then it could not

be given up. Moreover, he had known prisoners acknowledge that but for flogging they would not have become tractable and reformed characters.

Dr. Mouat said, in Indian prisons, owing to their imperfect construction, the cane had been much more largely employed than the sugar extracted from it. He would restrict it to those who were so degraded and brutalised that the lash alone would compel them to good behaviour. In one gaol under his charge there were one hundred military prisoners. They resisted every means of discipline in their regiments: the abolition of flogging in the army made them unmanageable, and they came into his hands. They took possession of the prison as it were by force, and being strong men in the prime of life, the governor said it was hopeless for him and his small staff to manage them unless their physical natures were appealed to. He (Dr. M.) accordingly went down, paraded them, and read out their character rolls. The first was Timothy M'Carthy, described as 'without exception the greatest blackguard in the British army.' He called him to the front and asked him whether that was a correct description of him. He replied, 'It's my portrait, but it's not painted by myself.' He told him, 'You cannot deny that you are a great blackguard. If you resist the authorities in the prison, there is only one argument, and I must apply it to your back.' 'Have you the power?' he asked. 'Why do you doubt it?' 'Because in the articles of war flogging is abolished, and I am a soldier.' 'No, you are no longer under military rule.' He read him the law and gave him five minutes for reflection, telling him if he did not then change his character, the cane and he must become intimately acquainted. After five minutes the man saluted him and said, 'Sir, I give in.' It was not necessary to flog him, but without this power discipline could not have been maintained in the prison for an hour. He agreed that moral means should be pushed to the utmost, and that flogging should be resorted to only in very exceptional cases, but it was necessary to possess the power. The law awarded it for brutal assaults on women and garotting, and crimes of that class had consequently been almost extinguished. In jealously guarded cases he would retain the power, in the hope that this would render its exercise unnecessary.

Mr. Clarke Aspinall (Liverpool) observed that apparent was not always real philanthropy, and that in these days of moral suasion it must not be forgotten that punishment was meant to be deterrent as well as corrective. He was for resorting to corporal punishment where every other agency failed. Wife and women beaters deserved the lash, and in the majority of cases no other punishment had any effect. Could anyone see the blackened eyes, discoloured flesh, and crippled forms of wretched women and children, he would say that the monsters who produced these deserved corporal punishment.

Privy Councillor Steinmann (representative of Prussia) did not wish to quarrel with those who advocated corporal punishment in England, not knowing enough of its prisons and prisoners to say whether it could be dispensed with or not, but his experience in Germany led him to believe that every lash, instead of benefitting a prisoner, increased his bitterness against the authorities and society. Corporal punishment ought to be abolished in every civilised country.

Mr. W. Shepherd (governor for forty years of the West Riding prison, with an average of 1,000 inmates) stated that for thirty years no corporal punishment was inflicted there for prison offences. He doubted whether in cases where it was inflicted every other means had first been tried. There were in that prison as few punishments of any description as in any prison in the kingdom. He advocated total remission. Up to his resignation six years ago he remarked that nearly every prisoner subjected to corporal punishment returned to the prison again.

Baron von Holtzendorff (Berlin) said corporal punishment had been abolished in Baden and Bavaria without any inconvenient results. What could be done there—and in every community there were some brutal persons—he hoped would be done in England.

M. Stevens, having been cradled in a gaol, and all his life connected with prisons, maintained that physical instrumentalities were improper. Moral means were sufficient, if properly applied. In his country corporal punishment was not authorised by the law, and any official resorting to it would be dismissed. Instead of reforming men it made them savage.

It was not by the lash that men could be taught to love and respect women, but by moral agencies.

On the reception of the official report of the discussion, Dr. Marquardsen (Erlangen) said the question was discussed in Bavaria some years ago, the result being that corporal punishment was abandoned both as a punishment for crimes and as a part of prison discipline. The respect and obedience shown by prisoners had since greatly increased, breaches of discipline had diminished, and no prison authority desired the revival of the practice. The committee of the Reichstag, of which he had been a member, charged with the framing of a military code for Germany, had also set aside corporal punishment, so that not a blow would be struck in the whole empire.

Dr. Frey, as the governor of a prison with many hundred inmates, stated that in Austria the lash was abolished in 1866, experience having shown that it was demoralising. It deprived the prisoner of that self-esteem which formed the basis of his moral improvement, and the strictest discipline might be maintained by other means.

Dr. Guillaume (representative of Switzerland) said it was also being abolished in Switzerland, as inadvisable both in the home, the school, and the prison.

Major Fulford had had to deal for twenty-three years with the ironstone workers of Staffordshire, than whom a rougher and more degraded class could not be found in England. It would be impossible to manage them without the threat of corporal punishment, but it was resorted to as rarely as possible, and always made him ill, as he had to be present. Some years ago a young man was sentenced to two years' imprisonment for robbing and nearly killing with a pickaxe a fellow-worker. One morning he appeared perfectly mad, broke everything in his cell, tore up his clothes, and threatened to kill the first man who entered. He went to him, told him he would be flogged for what he had done, and ordered him to pick up the things. He refused. He accordingly told him he would have nothing to eat or drink till he did so, and locked him up, telling him to send as soon as he wanted anything. After forty-eight hours the man sent for him, and said 'I'm that clemmed, I can't stand it.' On being told to pick the things up, he did so. He was reported to the visiting justices,

who ordered him twenty-four lashes. It was his custom to have this done in the presence of all the prisoners, and the reason explained to them. The man remained for two years without having another bad mark against him, being uniformly well behaved, and returned to work as a navvy. On meeting him four or five years afterwards in another part of the county, he offered his hand to shake hands: 'Then you don't owe me any grudge for that flogging?' 'Not I. I was a damned fool.' Tender-hearted and refined people must not attribute their own feelings to these people. Bill Sykes, the habitual thief or wife-beater, thought nothing of the disgrace of imprisonment; he only cared for the stripes he received. The power was not exercised once in a twelvemonth, but do not let warders in Staffordshire and Lancashire be at the mercy of these people by taking away the power.

Mr. W. H. Wills, as governor of Nottingham prison, agreed with Major Fulford. Flogging was rarely administered, but it was a useful power.

Mrs. Julia Ward Howe (Boston, U.S.) remarked that in the case described by Major Fulford the submission was effected before the punishment was inflicted. It was striking a man who was already down. The only thing to be said for flogging was that it was a time-saving process. Reasoning would gain the same result in time, and parents were getting to prefer the slower but more permanent process in schools. No brutally ill-treated woman would thank the prison officials for sending her husband home in a more brutalised condition. She would not tell any criminal, 'You are a brute.' He knew that himself. 'She would say, 'You are God's child; you are a human being made in God's image; don't dishonour it; and no matter what you have done, I cannot dishonour it in you.'

Mr. F. Hill agreed with Mrs. Howe that Major Fulford had completed his victory before the corporal punishment was inflicted. That punishment too was ordered by the visiting justices, making a very different effect on the mind of the prisoner to the effect of an order from the governor himself. There could not be a better conducted prison than Wakefield, and for at least seven years it was not practised in a single prison in Scotland under his care. He then heard no governor express a wish for the power of inflicting it, and other punishments were

less frequent in Scotland than in England. On going to Elgin thirty-seven years ago, the keeper of the prison told him a powerful man had barricaded himself in his cell. His notion was to send for a number of men and force it; but he (Mr. H.) advised him to let the man be without food till he himself asked him to enter. The result was that the prisoner submitted.

The Hon. J. R. Chandler (Pennsylvania, U.S.) said the laws of Pennsylvania did not prohibit flogging, but public opinion had so long been ahead of the law that its enforcement would astonish the people. Twelve years ago, on being deputed to inspect prisons, he found in one a remnant of barbarity, a *douche*, but no prisoner had been submitted to it for years. The warden of the eastern penitentiary told him of his having entered the cell of a rebellious prisoner whom he melted by reason; and who was afterwards perfectly well-conducted. It was the old fable of the sun and the wind. Kindness and Christian affection were worth twenty rods and a thousand *douche* baths.

The Chairman (Mr. Hastings) was glad to say corporal punishment was not inflicted in the county prison of which he was a visiting justice. A few months ago there was a case of very violent behaviour, and at the visiting justices' meeting it was proposed to flog the man. He suggested that the man should be sent for, remonstrated with, and told that if he would only submit to the regulations, which he must see was the best course, he would not be punished. This was done; the man promised to obey orders, and, as far as he knew, had since done so. He had not had sufficient experience to say flogging should never be resorted to, but the preponderance of arguments and experience at this Congress seemed against it, and he hoped visiting justices would consider whether, in some cases at least, it could not be dispensed with. As Mrs. Howe said, when a man had submitted, was it not time to release him from punishment?

V.—*What should be the kind and limit of instruction for reformatory treatment applied to convicts?*

M. Stevens (Belgium): The means of moral influence should consist chiefly in education. The scholastic should comprise

reading, writing, arithmetic, the elements of grammar, history, geography, geometry, and linear drawing, especially in relation to trades and useful arts. Illiterate prisoners should be the objects of special care, and should be taught reading with the smallest possible delay, that they may participate in the moral influence exercised by the library, and that their minds may be usefully occupied in the intervals of leisure and on holidays. It is important to give a vigorous impulse to primary instruction in prisons since public instruction has received so great an extension. Those leaving prison ought at least to know the indispensable elements of primary instruction. As regards the moral education of prisoners, special instruction ought to be given for this object in school by the teacher. It should especially inculcate the performance of social duties. It may be given as direct instruction or in the form of dialogues. From fifteen to twenty minutes should be devoted to it on every attendance at class. This instruction ought to review the principal existing vices of society, and demonstrate their sad and shameful consequences. Alternately the teaching should be based on the virtue opposed to the particular vice discussed at the preceding lesson, and should set forth the beauty of virtue and the moral and material advantages which arise from it and are enjoyed by those who practise it. Finally, an explanation should be given of the life a man ought to lead in society, and how it must be based on industry, morality, and religion. Other lessons will be given on the most frequent violations of the penal code, especially noting such crimes as robbery, swindling, rape, indecent assaults, assassination, murder, violence, &c. In all moral instruction, an effort should be made to develop the sentiments of justice, family affection, and patriotism. Next comes religious education. By this is understood the special religious instruction given by the ministers of each faith to the prisoners attached to it, who are ignorant of the essential truths of religion. This instruction is not to be confounded with the moral instruction, or with the religious instruction given by the chaplains to the prisoners in general. The exercise of worship and religious instruction demands a most careful organization. The sentiment of religion is deemed the last and strongest influence in a penitentiary education. In Belgium, the prisoners of the various

creeds receive the religious teaching of ministers of their respective communions. When a Dissenter is imprisoned in a locality where a minister of his religion does not reside, the administration is always ready to pay the expense of bringing one for him from a distance. All Roman Catholics must desire that the same aid should be extended to their co-religionists, both on the Continent, in England, and America. Lastly, I mention professional education. This part of his education is intended to teach the prisoner a trade, if he has not already learnt one, by the aid of which he may earn his living on his liberation. Consequently, in the workshops more care is taken to teach him his trade thoroughly than to make his labour productive. It is certainly very important to effect the moral reformation of prisoners, but it is equally as important to give liberated prisoners the power of supporting themselves and of taking their place among other workmen. The professional apprenticeship of prisoners should in no case be sacrificed to the pretended necessity of introducing into the prisons such works as are profitable to the State. The labour should be so organized as to be advantageous rather to the future of the prisoner than to the Treasury. Work is undertaken in prison to make the punishment more efficient as a moral and reformatory agent. The moral, not the financial result of industrial labour, is mainly to be kept in view.

Mrs. Elizabeth Chase, a member of the Prison Board of Rhode Island, agreed with M. Stevens that if moral instruction was given, there would be no necessity for corporal punishment.

Mr. W. Tallack rejoiced that county and borough authorities were becoming alive to the importance of teaching prisoners trades. Moral and religious instruction should not be subordinated to industrial labour, as was done by the Prison Act of 1865. Ninety-five out of every hundred prisoners could not read or write, and it was only common justice to teach them. If not, how were they to study the Bible? The Act shelved religious instruction till the evening, when the prisoners were exhausted. At Portland there were opportunities every day of study, but very little instruction, the prisoners only meeting in class an hour a week. Even at Lusk he was surprised to hear that a large proportion of the prisoners, after spending five or ten years at Spike Island and Mountjoy, were unable to

read and write. At Spike Island, nearly all the time was spent in working in gangs, like Carolina slaves, corrupting one another, so that at the end of the day they were little fit for secular and religious instruction. Part of the morning or middle of the day should be devoted to this. Mr. Merry, a Berkshire magistrate, deprecated exclusive industrial labour, maintaining that silent congregate labour left the head empty, and the heart hard.

Dr. Varrentrapp (Frankfort-on-Maine) remarked that the object of secular instruction should be not merely to enable prisoners to earn on honest living, but to preserve their physical and mental equilibrium. A weak prisoner, who had to be made a tailor, required the open air and gymnastic exercises, and there ought to be no limit to secular instruction. After reading and writing well, a prisoner should be carried on to the higher stages of arithmetic, and have his mind exercised. He might, as in some cellular prisons, having to perform a certain task a week, be allowed to do it at what hours he liked, leaving him free to study as long as he chose.

Mr. H. T. M'Farlane said every care was taken in Irish prisons to provide first for religious and then for industrial and literary instruction. He was surprised to hear Mr. Tallack's statement as to Lusk, for the prisoners there showed him their account-books, showing the amount they were to receive on leaving. A discharged prisoner once waited on him as Chairman of the North Dublin Guardians, to tell him he was going to America, having saved 30*l*. He was well-educated, and his children had been educated in the workhouse. He doubted whether it was well for prisoners to be thus better off than the majority of labourers. At Mountjoy the classes took their turn of instruction from 9 A.M. to 3 P.M., and the chaplains gave religious instruction at any hour they pleased.

Rev. Richard Tomlins, after eight years' experience as chaplain of Manchester gaol, thought the greatest drawback to religious instruction in gaols was the requirement of the Act of Parliament that the chaplain should use the Prayer-book. Its very fitness for ordinary congregations made it insufficiently short, simple, and comprehensive for prisoners, many of whom had never entered a place of worship, and several of whom did not even know of a future state. He found eighty-five last week

unable to read and write, and they required to learn the very A B C of Christianity.

The Rev. G. B. Hamilton, as chaplain of Chelmsford gaol, found the use of stated prayers by no means irksome. It was connected with a short week-day service, consisting of a few verses of a hymn, five minutes' explanation of a few verses of Scripture, and a collect or other prayers. He had had men perfectly ignorant of Christianity. Prisoners had lately been allowed to work for themselves after finishing their tasks, which had had a wholesome effect in many instances.

Miss Mary Carpenter urged that society was bound to cultivate the powers God had given to a prisoner—powers which had not been cultivated at all, or only in a perverted manner—and enable him to discharge his duties better as a prisoner and a man. The instruction of adults, however, was excessively difficult. From her reformatory experience of eighteen years, she knew that to teach children fourteen or fifteen years old required much time and patience. Adults, ignorant of reading and writing, and of all duties to God and man, should have such instruction as to fit them for the discharge of their duty in future, and to promote their highest welfare. In India, the Government did not acknowledge the duty of giving instruction in gaols, nor were proper teachers appointed. Instruction should be so given as to be made a pleasure, so that the prisoner would not desire the lower indulgences which had led him into evil. Good intellectual was allied to religious and moral instruction, and need not be separated from it.

M. Stevens said it was unnecessary to reply, all agreeing that instruction of every kind should be given for the reclamation of the prisoner.

Dr. Bittinger, in his official report of the discussion, says: It was agreed on all sides that the instruction should be secular, industrial, moral and religious, but nothing was said on the relative importance of these kinds of education, or the manner in which they should be given. The experience of two chaplains, as to the compulsory use of the Book of Common Prayer in English prisons was at variance. One affirmed the unsuitableness of that book, because it lacked adaptation to the circumstances of the criminal in its want of plainness and comprehensiveness; and the other affirmed its general usefulness.

Both agreed that a certain simplicity, familiarity, and informality of manner must accompany the administration of religious services among our prison population, if we are to expect any good results. Individual dealing with prisoners on the subject of their spiritual concerns was recommended, and stated to be more acceptable to prisoners, and more useful to them than was generally supposed. As to degrees of instruction, it was agreed that a limit must be set to secular education by the physical condition of the prisoner. It was further agreed, that the object of this education, both as to kind and degree, must be to send back to society a reformed convict, and one who will be able honestly to win his way in the world. This demands that the whole man should be educated. To accomplish this result, which, as was shown, is exceedingly difficult in the case of adults, it was urged that the education of the convict must be held as one of high principle and sacred duty, and not merely as an economic conviction. The sense of the Congress may be thus stated: That one object of prison discipline is to reform the convict, and to fit him for a useful position in society; and that, to this end, the education of the whole man—intellectual, moral, religious, and industrial—must be assumed on the highest principles of duty.

VI.—*Ought training schools for prison officers to be formed, and for what class of officers?*

Dr. Guillaume (Switzerland): The question whether we ought to give a special education to the officers who have to direct the penitentiary education of prisoners appears so simple that it is not necessary to discuss it at length. All are agreed that preventive means ought to be placed at the foundation of every penitentiary system which aims at the diminution of the number of recidivists. Society, that is the State, has thus the greatest interest in giving special care to the moral, intellectual, and professional education of prisoners. This end can be attained only when the officers and *employés* are thoroughly efficient. The information obtained in different countries shows that where the prisoners' moral reformation is the main object, the superior officers possess the necessary qualifications,

but that this is not the case with the subalterns. One of the best means of reforming criminals is assuredly moral influence exercised by the superior and inferior prison officers, who must be distinguished by their character, their profound knowledge of the human heart, and of the weaknesses and temptations to which it is exposed. Vicious and criminal men will only become good when they are unceasingly surrounded on all sides by salutary influences; when, unknown to themselves, they will be as it were fascinated by the moral and intellectual ascendancy of the men with whom they are placed. It appears manifest that the inferior officers, though honest and careful to discharge their duties, do not possess in a sufficient degree all the qualities desired. They are generally drawn from a class of society whose education is not sufficiently extended to give them the moral ascendancy of which we have spoken. They imagine they do their duty if they literally obey regulations which, in most prisons, are to a certain extent artificial, and remind us of the rigid discipline to which soldiers are subjected. Whereas, it is indispensable that the inferior, as well as the superior officers, should comprehend the object of the rules, and be acquainted with the moral and pedagogic means of penitentiary treatment. This is the more necessary, as the subalterns are brought into closer and much more frequent contact with the prisoners. The education of children is certainly attended by fewer difficulties than that of vicious and criminal adults; and yet in all countries teachers of children receive special instruction before they are acknowledged fit to undertake their official and delicate work. We have schools of medicine and law. Special instruction is given to infirmaries and nurses. In all countries there are schools in which instruction is given for the perpetration of the greatest of all crimes—war—and yet no special instruction is given to persons to whom is confided the duty of converting criminals into useful and good citizens. Much attention ought to be paid to the education of inferior officers. To make them educators of prisoners their salary must be increased and their duties exalted to the dignity of a profession. Want of time prevents the discussion of the manner in which their education should be given. Each country will determine whether it will be desirable to establish a normal school, or whether the *employés* shall pass a pre-

paratory training in a prison, or receive a course of periodical theoretic teaching. The discussion just mentioned would without doubt at this time be useful, but it suffices at present to recognise the principle that a special education of prison officers is not only desirable, but necessary and indispensable. This view is simply the expression of my own opinion: the work of educating suitable prison officers should be initiated by a philanthropic society. To private initiative we owe establishments for unfortunate children, schools for infirm attendants, for nurses for the sick and wounded. Non-official charity can also bring within the sphere of its activity the creation of institutions for the special instruction of the *employés* of prisons. This education might perhaps be given them in institutions for unfortunate, vicious, or criminal children. The decision of such questions may, however, be left to the philanthropic initiative of the different countries. What is stated before is summarised by proposing to you to adhere to the following resolution, passed by the Congress of Cincinnati:—

‘Special training, as well as high qualities of head and heart, is required to make a good prison or reformatory officer. The administration of public punishment will not become scientific, uniform, and successful, until it is raised to the dignity of a profession, and men are specially trained for it as they are for other pursuits.’

Major Du Cane (Director of English Prisons) said prison officers, like persons entering the army or the medical profession, learned their duties from actual experience. No preliminary instruction would be so valuable as seeing the supervision of skilled officials in actual practice. If there was a country where the prisons were so bad as to be unfit for the training of officials, the question would be in a different position, but he did not think this was the case. At one time English prisons were as bad as could be, but we had got far beyond that stage. Thirty years ago prison officers as a class were not up to the level of their duties, the reason to a great extent being that the governors were not sufficiently qualified, but proper regulations and constant and intelligent supervision had been applied to the working of prisons, so that all might now be said to form a very school of instruction. The tone of the officers was all that it ought to be. A moderate amount of intelligence and educa-

tion was required, and enquiries were made of those under whom they had served to see whether they were suitable persons. They were required to be firm and intelligent in their duties and relations with the convicts; to be honest and trustworthy; to have their temper under control; and to show the prisoners by their manner and actions that society was not altogether their enemy, but wished to show them the way to well-doing. Prisoners had a notion that they were at war with society and that everybody who exercised authority over them was tyrannical, but the subaltern officers should show them that this was not the case, and the governors should show that they were impartial judges; while in the inspector the prisoners had an appeal to a person not directly in contact with them. Above all there was the Home Secretary, to whom petitions and complaints could be referred. In this way there was such a check on the conduct of officers that there was every reason to believe they did their duty efficiently. When recruits entered such a body, they entered a school in which they learned their duties.

Baron Mackay (Holland) was informed by his colleague, M. Ploos van Amstel, governor of the largest prison in Holland, viz., the cellular prison of Amsterdam, that it had not been found necessary to employ specially trained officers. Dutch legislation discouraged technical education. Better material was found in a man with a general education than in a man trained *ad hoc*. The question had been discussed of schools for carpenters, painters, &c., but it had been found better to educate persons well, and that they afterwards proved the best workmen.

Sir Harry Verney, M.P., thought Major Du Cane was probably right in preferring officials taken from the intelligent classes to persons specially trained. It had occurred to him, why should not governors be selected from the subaltern officials? In England they were generally taken from the army and navy, but it might, perhaps, be better to advance prison officers. Many years ago he visited Dr. Wichern, at the Ranhes Haus, Hamburg, who was educating a number of young men as prison officials. They were not soldiers, but had been engaged in the work from a desire to promote the spiritual welfare of their fellow-creatures. Dr. Wichern told him they would have under

care at Berlin 500 military prisoners, and he thought ten or fourteen prisoners were quite enough for one *Haus*, i.e., the master of a separate house where prisoners were kept. They were not confined, but were engaged in agricultural pursuits; they did not run away, and their discipline was strict. Like most Germans, they understood the value of discipline, and conformed to it.

. Mouat explained that Dr. Guillaume had been misunderstood.

. He wished the prison to be the school for prison officers. Among selected men of ordinary intelligence, command of order, &c., they would be put into the prison to learn their work, and would be promoted according to merit, until, possibly, they reached the top. As to his own opinion, the strictest discipline was required before entering the medical profession, otherwise it would be an *experimentum in corpore vili*. There was preliminary instruction in the hospital and dissecting-room, and what these were to the surgeon the prison was to the soldier. Let there be sufficient brains and good character, and let them be sent there to learn their work. In Bengal, where he had the direction of sixty prisons, and found a difficulty in obtaining proper men, his plan was to make them learn the work in the central prison and then draft them off to other prisons. As to governors, he had found the discipline of soldiers and sailors so different from that of a gaol, that they were not peculiarly fitted for the post. In the army and navy the object was to make a man a machine and obey orders, while in a gaol it was to train a criminal into good habits, discipline, and so forth, but one element of that training. *Ceteris paribus*, he would never not select a man who had not been a gentleman and a man of education in the broadest sense of the word. A prison was a real hospital which required a large amount of knowledge, of all kinds of phenomena, religion, education, training, and high aims in reclaiming the idle and vicious. Some special training was therefore advisable both for subordinate and superior officers. Colonel Mackay said all agreed with Dr. Guillaume if he had training within the prison. What had been objected to was a normal school outside the prison, where theories on discipline would be taught. Let a man have a good general education, and be afterwards trained in the prison till he gradually got to the top.

Major Fulford had been governor of Stafford gaol for twenty-three years. He had previously been an officer in the Royal Artillery, and most of the sixty-four candidates for the post were military and naval men, while at every subsequent election of the kind there had been an increasing number of that class of candidates. It would be absurd to have a college for subordinate officers. The visiting justices seriously considered their testimonials before appointing them, and in a very few weeks it was seen whether a man was competent. At Stafford they were always taken on probation, and some, though with every wish to do their duty, were found in some way unfit. He had between fifty and sixty officers, and a complaint was rarely made against them by the prisoners. The visiting justices saw the prisoners every fortnight without the presence of the officers.

Mr. S. G. Rathbone (Liverpool) pointed out an objection to the promotion of subalterns to the highest posts, viz., that the salaries now given to subordinates did not attract men of education. A governor needed quick perception of character and great firmness, qualities not specially cultivated by a prison life. He thought naval and military men specially fitted, being accustomed to deal with men in large numbers, and having acquired a general knowledge of human nature. Some of the best managed prisons had governors of this class, and it had been the tendency of late years to prefer them.

Dr. Guillaume had not spoken of a normal school but of a general education for subaltern officers. His remarks had not applied to the governors, who should be men of superior qualifications, possessed of large general knowledge, kind heart, judgment, and good temper. He admitted that honest, conscientious men were found among the subalterns, but it was desirable that they should co-operate in the high aims of their superiors.

A Lady remarked that nothing had been said of the training of female officers for large prisons.

The Chairman (Dr. Wines) said that when M. Demetz established the agricultural colony at Mettray, thirty years ago, with his colleague, he felt that the task of training bad boys and men into good should not be entrusted to the first comer, he therefore established a preparatory school, and spent six months with his colleague and chaplain in training

twelve or fifteen young men as officers. The school had been kept up ever since, with twenty-five or thirty young men at a time having a three-years' course of training, and M. Demetz was strongly of opinion that Mettray would not have succeeded without it. The success of the reformatory probably surpassed that of any other institution in the world, only three, four, or five per cent., at the outside, of those who left it ever returning to a career of crime.

Baron Mackay, in his official reports on the discussion, said **the** speakers from England and the Netherlands, fully granting **Dr.** Guillaume's main proposition that nothing should be **left** undone to secure efficiency, were not in favour of special **n**ormal schools. They agreed that a good general education **was** necessary, as also firmness, intelligence, and probity; but **that** the acquisition of practical knowledge could only be **obtained** by them while they were doing their duty in prison, **as** there are no special theories on deportment of officials **towards** prisoners. Speakers from England attached great **value** to the selection of the governor of a prison, and were **mostly** of opinion that he should not rise from the lower ranks, **but** be chosen from other professions, where experience had **shown** his competency. There seemed to be a general agreement about the immense importance of the matter, but considerable difference of opinion as to the practical means of **attaining** the object, some speakers believing in a theoretic **system**, others being more inclined to let the matter be worked **out** in the various prisons by the personal efficiency of the **governor** or other prison authorities.

VII.—*Ought transportation to be admitted as a punishment? If so, what ought to be its nature?*

Count Adolfo de Foresta (Italy), Procureur-General at Ancona, read the following paper:—Permit me first of all to **distinguish** between transportation as I understand it, viz., **that** established in France by the law of May 30, 1834, and transportation as practised in England, or transportation pure and simple. The latter I reject; I comprehend the great objections which it raised, and I am not surprised that so

practical and enlightened a country as England has eliminated it from its legislation. Transportation, however, as carried on in France—transportation with compulsory labour in a colony—I approve as the best punishment for great criminals. It seems to me to answer perfectly the double object of all punishment, viz., the protection of society within the limits of justice, and the reformation or amendment of the convict. It fulfils the first of these objects, the protection of society, for the most dangerous criminals are thus cast out from the bosom of society, the grave inconveniences of relapses are avoided, and would-be criminals are deterred by the prospect of banishment from their country and family. The second object is equally met, that of moralising these individuals, and giving them hope and means of becoming again useful to themselves and society in another country where, after undergoing part of their punishment, they can send for their family or found a new one, thus beginning another existence in an entirely different atmosphere, which will not seduce them with their former errors. While thus approving the French system I would not sanction that part of it which ordains the transportation of all persons condemned to hard labour, even for five years, and which forces to remain all their lives in the colony all who are sentenced to more than eight years. It appears to me that thereby the whole system of gradation of punishment is subverted. By imposing a perpetual punishment as well to the eight years convict—perhaps a simple thief and housebreaker, or a person guilty of striking and wounding—as to those sentenced to hard labour for life—viz., assassins or highwaymen—all are unjustly mixed up in the same lot. It is true the former are free in the colony after their eight years' punishment; but the latter, if well behaved during a portion of their term, also obtain conditional liberty, and are thus placed in the same position. Moreover, the difference in penal colonies between convicts under punishment and liberated convicts is not so great that the latter do not sometimes regret their being no longer clothed, fed, and lodged by the Government. In short, the French system establishes several categories of perpetual punishment, which is contrary to all those modern principles that admit at most but one kind of life punishment. In my opinion only life convicts should be transported at first, and

afterwards convicts sentenced to fifteen or twenty years and upwards, on condition that the former, even though conditionally liberated or pardoned, should never quit the colony, and that the latter might leave it on the expiration of their whole term.

Thus understood transportation would have great advantages, which I shall presently point out, without the inconveniences for which it is generally disliked. It is said the colonies no longer wish for convicts, and that it is not just to throw on others what we do not like ourselves. According, however, to the system I have explained, the convicts would be confined in colonial penal establishments as they are in the mother country, and the liberated convicts would feel no inconvenience. Moreover, their number would be very limited, for it would be restricted to great criminals, and they could always be easily located at points altogether or nearly uninhabited. After undergoing a portion of their punishment, which should never be less than the half, and for life sentences not less than fifteen years, they should have conditional liberty, be given uncultivated land, and allowed to form a family in localities part and far from all contact with the free colonists. It is said, again, that transportation does not sufficiently deter the culpable. This is true of transportation pure and simple, but certainly not of transportation combined with hard labour. Finally, it is said transportation is more costly than ordinary imprisonment. I believe this depends on circumstances, and that sometimes it may be even rendered productive for the country. Moreover, as remarked by M. Stevens, in questions of humanity and public security we must not reckon by shillings and pence. I conclude by asking you to affirm that transportation in a penal colony is just, useful, and suitable for all great criminals who deserve imprisonment for life or for fifteen or twenty years.

In reply to Count Sollohub (representative of Russia), Count de Foresta said that by hard labour he meant that practised in the French galleys, and in New Caledonia and Cayenne, except the plan of chaining the prisoners together. Breaking stones, making roads, etc., were kinds of such labour.

Mr. G. W. Hastings was convinced that transportation would never be revived by this country, and he was glad to think he shared in the work of abolishing it. He would warn

the foreign delegates that no country resorting to transportation could create or maintain a sound system of prison discipline. As long as we got rid of all trouble by throwing convicts on our colonies, we did little to improve prison discipline; but when the colonies very properly refused to receive them, great improvements began, both in the English and Irish systems.

Professor Wladimiroff (St. Petersburg) thought the question depended largely on the conduct of the dangerous class in a country, and on whether it had colonies or not. In Switzerland, Belgium, and even Germany, it was a theoretical question; but for Russia, it was a very practical one, connected with the colonisation of Siberia. A thorough investigation of the matter was impossible here, and a superficial discussion of it would have no good result.

M. Pils (representative of Holland) said transportation had many advocates in Holland, but he believed they would not so if they had seen it in practical operation. It was unbecoming for a country to throw its convicts on another country. If they were sent to a new colony, the natives were doomed to extermination. As to colonisation, the descendants of the convicts would, as in the English colonies, object to receive them, and the system would again have to be changed. Transportation for any length of time was impracticable.

Count Sollohub agreed with his colleague that Siberian deportation was a vital question for Russia. As to transportation proper, he would combine it with imprisonment, separate at night, and the duty of returning every night to the prison; otherwise disorders might arise. A locality should also be selected which needed colonisation and cultivation, and which needed external aid for the development of its resources. In that case transportation would be beneficial.

Mr. G. W. Hastings remarked that if convicts were sent to an inhabited country, it was doing a great injustice, and the people, as soon as they were strong enough, would resist it. If sent to an uninhabited country, it was virtually sending them to a prison 10,000 or 12,000 miles off, not subject to the supervision of the public and the Government, and liable, as our experience has proved, to great abuses. Moreover, the cost of the convict was as great as at home,

the expense of the voyage had to be incurred in addition. Expense and the lack of proper supervision condemned the system.

Colonel Ratcliff (Birmingham) said the treatment of convicts sent abroad had not been such as to implant habits of industry or make them useful citizens. He had seen this at Gibraltar. A large number of convicts were not skilled artisans, but belonged to the lowest class; and he thought they should be forced, when under long sentences, to learn a trade which they might afterwards live honestly. It would be an advantage to substitute for stone-breaking and oakum-picking the system of the Cologne penal settlement. Of the 12,000 convicts there many learned trades, and on discharge took their place in society as skilled artisans. Unless taught trades it was difficult for them, with a loss of character, to earn an honest livelihood.

Count de Foresta, in reply, said he approved of the abolition of English transportation. He advocated the sending convicts under life or fifteen or twenty year sentences to distant and if possible uninhabited regions, with separation at night and compulsory labour. This protected society, and was more conducive to reformation than imprisonment in the mother country, for they were estranged from their old associations and temptations. He was aware that the Australian colonies, though founded by convicts, ultimately refused to receive them, but when this happened in other countries which became sufficiently populous to reject them, it would be time enough to consider what should be done.

The Chairman (Baron von Holtzendorff) remarked that England was both an example and a warning in this matter. The success of Australia with a sparse population and a demand for labour was an encouragement, but the conflict which arose between the colonists and the mother country was a warning. It was evident that the more rapidly a penal colony increased, the sooner transportation must come to an end. Russia, however, might deny that deportation to Siberia was properly transportation, and might call it inland colonisation, just as if destitute children were sent from New York to a distant part of the Union, it would not be considered transportation. An opinion adverse to transportation on the part of the

Congress should not prejudice the question of free emigration of discharged prisoners, or of inland colonisation by juvenile offenders. It appeared to him that the experience of England was strongly against transportation, but that the question should be left open to the decision of countries that believe themselves to be placed under better conditions than England.

VIII.—*Ought the punishment of privation of liberty (imprisonment in genere) to be uniform in nature, and differing only in length or ought several kinds, differing in denomination and discipline to be admitted? In the latter case, what kinds are to be admitted?*

Count Sollohub (representative of Russia), in opening the question, remarked that the object of a hospital was not to keep its patients, but to send them out cured. The same should be the case with a prison. Its object should be to combat the moral malady and return the patients to society cured. As hospitals, moreover, endeavour to prevent a relapse of the physical disease, in prison the efforts of the authorities should be directed to prevent a relapse into the moral disease of crime. It was important to consider in every case whether the offence was the result of perversity and a passion for crime, or whether it was the result of penal law and of prison treatment. He feared that insufficient precautions were often taken against the contagion of gaols. Every effort should be made before and after conviction to protect the prisoner from contagion, by which his disease might be aggravated and his cure rendered less probable. The treatment of different classes of criminals should be different. Accused persons were treated less severely than convicts, but in the most civilised countries he had seen unconvicted and convicted lodged in the same corridor and the same cell. An innocent man placed with a convict naturally felt shame and indignation; he felt that his position in society was lost by such contamination. His affairs were at a standstill, his family in distress, and he cherished a spirit of vengeance. An indemnity ought to be paid to a man unjustly accused, and every accused should have easy communication with persons outside the gaol. Each kind of prison

should have a special aim. A prison which tried to compass two different objects would not succeed in either. There should be two classes of prisons, one for prisoners whose characters evidenced moral perversity, and the other for those whose offences were the result of a sudden breakdown of principle or of uncontrolled passion. In Russia the division of prisons had regard to the character of the different classes of criminals.

Count de Foresta (Ancona) said there existed in France and Italy three classes of punishment: sentences to simple imprisonment, to reclusion, and to hard labour. The first class was limited to five years, but in case of relapse the term might be doubled. The prisoner was employed in one of the labours carried on in the prison. Reclusion had five years as a minimum and ten years as a maximum, and involved the loss of civil rights. Hard labour implied civic degradation and civic death, and persons sentenced to it for a term remained subject for their whole lives to the supervision of the police. He contended that there should be only one kind of sentence, the only difference being in length, and there should be different prisons with different disciplines for the various terms of imprisonment. Prisoners for three or four years should not be placed in the same buildings or treated in the same way as those sentenced to ten or fifteen years' imprisonment.

Dr. Mouat admitted that it was desirable to make punishments proportionate to guilt, but feared there was no moral barometer by which guilt could be strictly measured.

Count Sollohub, in replying, said duration of punishment was a question very important for Russia. It had been investigated by two commissions, but at present the Government had come to no decision. Short sentences were frequently followed by relapse, giving insufficient time to reclaim prisoners, whereas sentences of medium length allowed time to instil habits of industry. It destroyed the malady and awakened in the prisoner a new existence.

The Chairman (Baron von Holtzendorff) said the Count had not stated how far the distinction between accused and convicted prisoners should go. He believed there was no difference of opinion as to a variety of prisons.

IX.—*Ought a kind of imprisonment consisting only in a mere privation of liberty, without obligation to work, and without contact with other kinds of prisoners, to be admitted for special crimes not implying any great perversity?*

Count A. de Foresta (Ancona).—Speaking to savants and men of experience, I need not expatiate on the theories which admit the natural distinction between crimes of perversity and crimes of passion. Both should be punished, for the protection of society requires it; and sometimes crimes of passion should even be more severely punished than those of reflection, the injury to society being much greater in the case of a murder committed in a fit of jealousy or other passion than in that of a petty theft. There is, however, a kind of crimes of passion which, while deserving punishment, since they disturb social order, are accompanied only by a slight degree of perversity, or are crimes only by their excess, offending at bottom no natural law. It is not for me to enumerate this class of crimes; it will be the function of penal codes to arrange under this special category those which should be deemed to constitute crimes of passion implying no great depravity. To give an example, I think duels, insults, assault and battery, with premeditation, rape, press offences, etc., might be included in this category. This being established, and coming to the question before us, I think it indispensable that the person condemned for these offences should receive a treatment quite different from others. It appears to me that in depriving him of liberty for the time necessary as an expiation proportionate to the wrong he has done, according to the degrees fixed by the penal scale, enough is done. To shut him up in a cell, to set him to compulsory labour, to associate him with thieves and forgers, is evidently excessive. Let us consider that the persons guilty of these offences are frequently well-educated, young, and uncorrupted—for my proposal does not apply to recidivists—and that for them the solitude of a cell, and forced labour, would be too rude an aggravation of punishment, which, moreover, would not be designed for their reformation. Simple detention in a fortress, where they could read, work on their own account, and see their relatives, would be a sufficient punishment. By not mixing them with other criminals, by not even placing

them in the same localities, nor under the same denomination, the sentiment of their personal dignity will be preserved; they will not be morally debased, and on returning to society they will not encounter the obstacles or prejudices which usually attend all liberated prisoners. It is not a privilege which I propose, but an act of justice; for ordinary punishment is too severe, and moreover unjust, when applied to this kind of crimes. I therefore propose the following resolution—‘The Congress expresses its desire that in the various penal codes framed or amended, crimes of passion not implying great perversity should not be punished only by ordinary imprisonment, but by simple detention in a fortress or other secure place, without the cellular system, obligation of working, or confusion with those sentenced to ordinary imprisonment.’

Professor Wladimiroff (Russia) remarked that simple infractions of the law did not involve criminality. He thought it should be for the jury to decide to which class a prisoner belonged, it being a matter connected with personal liberty.

The Hon. J. R. Chandler (United States) said the principle was recognised in Pennsylvania. The man who violated the law in passion was sentenced to confinement separate from other prisoners, and was exempted from hard labour and prison dress. He could also see his friends and discharge the ordinary duties of life. This plan was eminently successful, and there was no reason why it should not be so elsewhere. Assault under provocation was punished in this way.

Dr. Mouat had been connected with prisons where such a system existed, but a more corrupting system could not be devised. Last year 7,000 persons were sentenced in India to mere deprivation of liberty, retaining their own dress and living in corrupting idleness.

Dr. Marquardsen (Erlangen, Bavaria) said the code adopted in Germany three years ago recognised the principle. The judge decided whether the criminal should have hard labour or be kept *in custodia honesta*. A distinction was not made between crime and crime, but between criminal and criminal. Persons whom the judge excluded from the rank of the common criminal were confined in a fortress or equivalent place, and were not compelled to work. Generally speaking, however, persons guilty of minor crimes should not be left without labour.

He should recommend what had been the law of Germany for some time, viz., a distinction between the labour imposed on the habitual criminal and what he might call the occupation suitable to a prisoner's former life. Criminals were divided into hard-labour prisoners and such as were employed in the trades and professions they were accustomed to.

Mr. Rutherford Ancrum remarked that in England first-class misdemeanants were excused from hard labour, and were allowed privileges as to dress and diet, and seeing their friends, but there were no separate prisons for them. As to non-convicted prisoners, he knew a county gaol where they had no communication with other prisoners, saw their friends and legal advisers, and had a better diet, no contamination therefore being possible.

M. Pols, in his report, after remarking that mere political crimes might have been included among the offences to be thus specially treated, says—In most countries where new penal codes have recently been framed, such a kind of honourable custody (if such a term may be used in lieu of the Latin *custodia honesta*) has been adopted. The result of the debate was, I believe, wholly in favour of Count de Foresta's proposition.

X.—*Is it possible to replace short imprisonments and the non-payment of fines by forced labour without privation of liberty?*

Count A. de Foresta (Ancona).—In my experience as magistrate I have always been struck with the great inconvenience of confining in prisons persons sentenced to imprisonment of short duration. While there is not time to instruct or reform them, they unhappily find time to get corrupted. On the other hand, the number of these prisoners being very large, they are very costly to the State. Moreover, during their detention their families suffer, and are often themselves driven to crime by want. Pondering these circumstances, I have thought they might be diminished if not entirely got rid of by substituting for imprisonment obligatory labour during the day, leaving the condemned free to return to their families in the evening like ordinary labourers. This idea is, I believe,

quite novel, not having yet been anywhere adopted. In my opinion it would be quite just and logical, especially for the nonpayment of fines. At present the poor man is punished by a fine, and it being impossible to pay it, must pass so many days in prison for such and such a fine. Since labour is the poor man's capital, it is money, would it not be more logical for society to reimburse itself by means of his labour, instead of flinging him into a cell where he produces nothing and may be corrupted? I do not think my argument would find many opponents in theory, but it will be objected to as impossible or at least difficult in practical execution. Impossible? No. Difficult? Yes. But should one flinch from it on that account? Have not things and institutions much more complicated been organized? It seems to me that in every important town, in every capital, there are always a number of works and public services to which those condemned to compulsory labour might be appointed. You have hospitals where you can make them occupy a number of salaried offices. You have model farms, you have highway and port works; finally, you have prisons and penitentiaries where labour is organized and where you can easily employ in separate workshops those condemned to obligatory labour, and they might also be employed for transports or other foreign services. The head of the police, or other official charged with this service, would have a list of all the condemned persons of the province, with remarks on their aptitude for a particular kind of work. He would know the necessities of the public services or workshops where he could place them. By degrees he would place them at suitable work, and failing to repair to work they would be imprisoned and kept in separate cells in the communal prisons. Under this threat they would certainly not fail to perform their duty. The produce of their labour would be partly given to them for the wants of their families, and would partly appertain to the State as compensation. This system could be specially applied to large barren tracts, or to the construction of roads, for which labour is often lacking. The condemned would have his hours of compulsory labour like the free workman, and in the evening would return to his home, where he would act as he pleased.

Mr. W. Tallack remarked, that the treatment of vagrants in

this country was analogous to that proposed by the Count de Foresta for petty offenders. They were not discharged after their night's lodging in the workhouse until they had done three or four hours' stone-breaking, with the view of defraying the cost of their reception, and of making it a little deterrent. He should like to see the proposal adopted for petty offences. Many a lazy man would be benefited by so many hours' labour a day, and the worst portion of the community would be deterred, without breaking up homes and ruining families.

M. Stevens thought there would be inconveniences in the system. Some prisoners were unaccustomed to manual labour. Again, how could employment be found for painters, musicians, &c.? Work in public would lack the penal element necessary in prison discipline even for trifling offences, and there would be some danger in collecting a dangerous class of men together without the privation of liberty. He preferred to shut men up, and subject them to moral influence.

Sir John Bowring thought the suggestions in the Count's paper could be more effectually carried out if the condition of individual offenders and the circumstances of the locality were taken into account. In an agricultural district the men would have agricultural aptitudes, and should be employed in that way, while in towns they would be accustomed to various trades which might be carried on in prison. He once found a locksmith in a solitary cell earning seven shillings a day. Labour could be more organized in gaols than at present. Why should not prisoners make clothes and shoes, not only for other gaols, but for the public service? In Belgium a large portion of the army was clothed by prison labour. Why, again, should not prisoners be taught shoe-making, which might be done in three or four weeks, and why should not one or two particular gaols be appropriated to that branch of industry? The objection as to competition with free labour was unfounded, for the man out of prison was a more formidable competitor than the prisoner. Moreover, if competition lessened prices, it was a public advantage.

The Rev. C. M. E. Collins (Cornwall) agreed with the Count, except as to forced labour. He had long had misgivings, as a magistrate, whether he had not indirectly helped men to become criminals, rather than deterred them, owing to the

matter-of-course way in which short imprisonments were substituted for fines. Imprisonment should be made an object of dread by surrounding it with disgrace, and resorting to it in as few cases as possible. By sending men to prison for a mere statutory offence, the feeling of shame was broken down, whereas self-respect ought to be maintained. There was a moment when a slight impulse would keep men on the right side of crime, hence shame should not be broken down for *ce n'est que le premier pas qui coûte*. He had seen the agony caused in a respectable family by its principal member being committed to prison, and branded as a gaol-bird. Self-respect might be a very effective instrument in the repression of crime.

Count Sollohub preferred professional and industrial labour, such as agriculture, to the employment ordinarily pursued in the *bagne*. There would be some difficulty as to surveillance, but he believed it might be surmounted, and the creation of gaol-birds was certainly to be deprecated. The tendency was too much to consider such questions from a financial point of view, whereas higher considerations should be paramount. He hoped Count de Foresta would develop his plan more fully in a treatise, for it could not be adequately discussed in mere outline.

Baron Mackay (Holland) regarded the proposal as chimerical. The punishment of a man employed, for instance, in agriculture, would consist only in a retrenchment of wages, which would be punishing his family more than himself. If, on the other hand, he retained his salary, the only change would be his working in one place instead of in another, and in that case where would be the punishment? Perhaps the loss of his employment; but this it was desirable to prevent. It would only be a punishment for persons not accustomed to work, and instead of alleviating it would aggravate punishment in those cases, while mere intellectual work, if allowed, would be too slight a punishment.

Mr. J. A. Bremner (Manchester), as a magistrate, deemed the question a more important one than it appeared at first sight. One object of punishment should be equality, but the English law contained great though unintentional inequalities. A magistrate frequently imposed a fine, with seven or fourteen days' imprisonment in default. If, therefore, the offender had

money, he escaped punishment. Where there was inability to pay a fine, both justice and morality demanded some other alternative than imprisonment. On a recent inspection of Manchester gaol, he found some harmless-looking boys of thirteen or fourteen; they had thrown stones and broken windows, and the law provided no intermediate punishment between fine and imprisonment. They were therefore exposed to the contamination of a gaol. Surely children should not be put in gaol for slight offences.

The Chairman (Baron von Holtzendorff), would point to Prussia in proof of the feasibility of the scheme. For twenty years there had existed a law providing labour as a substitute for a fine, in the case of offences against the forest laws and wood-stealing.

Count de Foresta was glad his proposal had received general approval, and he denied that it was chimerical. He would not set these offenders to degrading occupations, such as sweeping the streets in chains—a practice associated with the galleys in France—but would employ them in a workshop weaving, making cloth for the army. There might also be agricultural colonies, especially in Italy, where there were uninhabited tracts, and in islands in Apulia and the Tuscan archipelago, which would produce excellent wine. Such labour would have a moralising influence.

XI.—*Ought any kind of privation of liberty to be imposed for the term of natural life?*

Baron von Holtzendorff (Berlin), in opening this question, said that in former times all punishments, except perhaps fines, had a tendency to be lasting. First the life of a prisoner was taken away; then he was banished for life. There was no conception in old times of fixing a term. There was, indeed, large power of pardon, but the idea of outlawry, etc., was for life. In Greece and Rome the notion was that labour was dishonourable; to work by compulsion was slavery, and slavery was a doom for life—the doom of the man condemned to hard labour. The modern idea was to look on work as honourable. We had abolished slavery, and labour was the sign of a free

man. The idea of salvation, that men ought to be reclaimed, now also prevailed. The combined idea of labour and salvation led to the question whether life sentences should be abolished. If capital punishment and life sentences were both abolished, the worst cases of murder would undergo, perhaps, fifteen or twenty years' punishment. He would not, however, as a legislator, take the responsibility of abolishing capital punishment without retaining life sentences; the latter must remain as the substitute, at all events for one hundred or two hundred years. At present, whoever objected to capital sentences was bound to maintain life sentences. Such a punishment, however, like other punishments, should have the elements both of fear and hope—fear for the worst, in the actual enforcement of imprisonment for life, and the hope of release after ten or twelve years on proof of reformation. He would, therefore, maintain life sentences.

Dr. Wines (United States Commissioner) said the principle of keeping alive hope even in the breasts of men sentenced to imprisonment for life had been embodied in the legislation of Missouri. The law was that a prisoner under such a sentence, who conducted himself with uniform propriety, became entitled to his liberty after fifteen years in the State prison.

Dr. Mouat said the same principle existed in India, which was far in advance of the mother country in some of these matters.

M. P. van Bemmelen had proposed in Holland a state of seclusion for dangerous criminals after the close of their penitentiary treatment, with as much freedom as seclusion permitted. Under this plan a judge might sentence absolutely dangerous criminals to seclusion for several years, and even for life, not as a punishment, but to render them innocuous, on the same principle as dangerous lunatics.

The Hon. D. Haines, as a judge for fourteen years, and as subsequently a State Commissioner to enquire into prison reform, considered the great object to be the protection of society, either by physically restraining the man from the power of doing evil, or by inculcating an indisposition to do evil. Reformation demanded hope; for if the criminal had no hope, society could have no hope for him, and this was his objection to lifelong imprisonment. If hope remained, it was very uncertain and

remote. Let the sentence cover the probable chances of life if one liked, but let there be the hope of restoration to liberty and friends.

M. Stevens agreed with Baron von Holtzendorff that lifelong imprisonment was no end in itself, but that it was demanded as a substitute in the event of capital punishment being abolished. Theoretically speaking, perpetual penalties should not exist; it was the means to an end, not an end in itself.

M. Vaucher Cremieux (representative of Switzerland), while admitting that the tendency of the age was to ameliorate punishments of all kinds, was for retaining capital punishment. How could it be replaced? Perpetual imprisonment for assassins would be a much severer penalty, and the security of society forbade the liberation of an assassin or a man condemned to perpetual imprisonment. Such a sentence implied a possibility of escape, and this possibility would render society uneasy.

Mr. G. W. Hastings said it would be irregular to discuss capital punishment, that being one of the questions which the committee set aside owing to the necessity of reducing the number. In this country there was practically no such thing as imprisonment for life; for though such sentences were passed, hope always remained, the prisoner being uniformly liberated by the Home Secretary in the event of good conduct for a number of years.

M. Stevens, in his official report, says—It was admitted that imprisonment for life should be subject to the following conditions. Expiation and regeneration excited by hope; a prolonged period of cellular imprisonment; conditional liberation of prisoners who have undergone cellular imprisonment for the term fixed by law, and have given proofs of amendment, and by their preceding conduct and certain circumstances of offence are entitled to indulgence; collection in a common prison of prisoners not admitted to conditional liberation, and of those sent back to prison for misconduct.

—What is the best mode of giving remission of sentences, and regulating conditional discharges?

he Right Hon. Sir W. Crofton said remissions of sentences conditional liberation were now interwoven with the system of the United Kingdom. The maximum remission of convicts sentenced to penal servitude was a fourth of their term, after deducting the nine months spent in solitary confinement. The title of a man to remission was furnished by a system of marks, by which he advanced from class to class until, according to his deserts, viz., the industrial marks furnished by the marks, he obtained a partial or entire remission. The public works prisons were thus based on a progressive system of classification. Advanced thinkers had advocated certain views as to length of sentences, but he asked whether to recognise in the existing system many of the things desired, such as the abolition of fixed sentences, and the substitution of a labour sentence for a time sentence. A man might shorten his sentence by his industry. It had been alleged that abuses existed in the public works prisons, and the epithet 'galling labour' had been applied to the system. The system, however, had frequently been tested by committees and commissions. When the Fenian conspirators were in prison, all sorts of charges were brought against it, which resulted in an inquiry by certain police magistrates, and more recently there was Lord Devon's commission. Had any abuses of moment existed, they would assuredly have been brought to light. With the increase of population, and with increased vigilance on the part of the police, crime had decreased under this system, currently with which there had been police supervision and registration of criminals. If crime was reduced, and if public works prisons were self-supporting and yielded a surplus, what more did people want? The intermediate prisons in Ireland, with their undoubted success for sixteen years, were the strongest argument for the public works system. If abuses existed, it would be impossible to dispense with guards, and to treat the prisoners like ordinary labourers. Portland and Ham were favoured in point of construction, and were probably rather better in their arrangements, but at Spike Island the prisoners had been for sixteen years in a state of

semi-freedom. It would be idle to say that a system devised sixteen years ago was not capable of improvement in its details, but he preferred progressive classification to any other system. As to conditional liberation, he wrote sixteen years ago: 'It is quite evident that conditional liberty and registration are the only means of obtaining positive and reliable statistics of criminals, and thereby testing the value of our prison training. It protects society, for the criminal who consorts with bad companions and shows he meditates criminal courses, is at once re-consigned to the prison from which he was liberated at too early a period. It surrounds the commission of crime with obstructions so formidable as to break up habitual offenders. The incompleteness of criminal statistics have long ago been a subject of reproach. Unless they are more perfect and reliable, but little unity of action can take place.' Conditional liberation and registration had been adopted, so that the tests of the system were now perfect. He would not force it on other countries, though he should like to see them also adopt the principle of progressive classification.

M. Stevens stated that in Belgium conditional liberation was arrived at in another way. In many cases the prisoner was reformed, and in some the work was crowned by his liberation. Reduction of punishment—as for instance, from fifteen years to ten—was granted. It was thought better to have a certain period of separate detention, without the possibility of demoralising agencies, and with intercourse with good counsellors, than congregate labour. Reduction of sentence depended not so much on a prisoner's conduct as on his having undergone a period of separation proportionate to the sentence. There was a system of rewards in the shape of books, smoking, visits, and correspondence with his family, and liberation was held out with a curtailment or remission of police supervision. In cases of exemplary conduct and entire reform, the royal prerogative of pardon was exercised. As for perpetual sentences, the law limited cellular imprisonment to ten years, after which they were collected in a common prison, without hope of release, if the ten years penitentiary treatment had failed to entitle them to conditional liberation. The result of this system was that the proportion of recidivists among those condemned for a first offence was only four or five per cent., and the annual number

criminals had declined from 7,000 to 4,000 in spite of increasing population and wealth.

The Hon. J. R. Chandler advocated a system involving part of the Crofton system, viz., cellular imprisonment. In the Western penitentiary of Pennsylvania the prisoner was placed in a cell to endure the whole of his sentence, or to shorten it by his good conduct. He was only solitary with regard to his fellow-prisoners, and did not know his companions, not in misery but in improvement, unless, indeed, he knew from the papers before his arrest who some of the prisoners were. Out of 750 prisoners, he never saw one, yet he had an almost daily walk in the sunlight, had a cell in which the sun shone and where he might labour, and which was as comfortable as almost any working man's residence. He was visited thrice a day for food, and once a day by the superintendent of labour and the moral and religious instructor. Moral and religious people of his own creed visited him sometimes twice a day, to enforce the doctrines in which he was reared, and not to startle him by any attempt to proselytise. He had seen two letters addressed to the moral teacher by men who had been close neighbours for four years without knowing it. Eight years ago there were 182 females in the prison. At his suggestion separate cells were made, and the women were dealt with individually, the result being that for the last two years there had not been more than 100, and generally less than eighty. Forty English ticket-of-leave men, he had heard by letter, had recently arrived in the town where this penitentiary stood. Now American criminals never came to this country; their system did not bid men to pretend to be reformed.

Mr. W. Tallack defended the cellular system as approved by the Congresses of Mechlin and Frankfort, preventing companionship with evil and allowing abundant communication with God. A few months ago a convict at Spike Island murdered a fellow-prisoner, and there had been repeated murders at Portland, Chatham, and other public works prisons. This would not happen under the cellular system. Mr. Gunning, chief officer at Lusk, told him 'the congregate system is hardest upon those who are trying to do well.' It broke down the best of the convicts, while it was a fine thing for those who loved to revel in obscenity. The Devon commission refuted, indeed,

certain charges, viz., of cruelty against the officers, but not charges against the congregate system. The Irish system was good, but the Belgian, Dutch, and Pennsylvanian was better.

Mr. F. Hill, as an inspector of prisons, was at first strongly in favour of the separate system, but experience gradually weaned him from it. Mere isolation, while excellent as a part of a system, was not a system *per se*. Where it was rigidly enforced it could claim admirable results, but so could the other system. Good conduct as a preliminary to liberation was common both to the Crofton and Belgian systems, and whether the prisoners were in cells or worked together was irrelevant to this discussion. Under a separate system it was difficult to test reformation, for temptation did not exist. He regretted to hear of the invasion of Pennsylvania by the English ticket-of-leave men; but till lately the system was so wretchedly worked, that liberation did not depend on good conduct. For the last two or three years substantial proof of amendment had been required, and he thought these men must have been liberated under the discarded system.

Major Du Cane said in England a prisoner had to effect his discharge by his industry. He could not show much moral reformation, for the prison discipline prevented his relapsing into particular moral offence, but he could show by industry the effect of discipline and instruction. A prisoner, however, who misconducted himself, forfeited the remission earned by industry. That remission ought to be a fourth of his sentence, not including the first nine months, which was strictly penal. If a prisoner did as little work in a day as he could without being reported for idleness, he earned six marks, while if he thoroughly exerted himself he could earn eight. The number of days of his sentence was multiplied by six, giving the number of marks he had to earn. Thus, a man earning eight marks a day would get off one quarter of his sentence. Great precautions were taken that the marks were properly awarded. Instructing wardens, acting under a staff of professional officers, measured the work, which was all priced out. These marks referred also to the various stages a prisoner went through. Imprisonment was divided into certain classes, and as the prisoner worked his way up these classes, he gained some slight privileges. This system had not been carried out in county and borough

prisons, where the authorities did pretty well as they liked. A released prisoner was under the supervision of the police and of Prisoners' Aid Societies, having to report himself and to obey certain regulations. If he gave any signs of wrong-doing the police could take him before a magistrate, and on proof of his misconduct he was sent back to prison.

Mr. T. H. Nevin said, in his State (Pennsylvania) the two penitentiaries had existed for forty years. Both were originally separate prisons, but eight years ago it was decided in Western Pennsylvania that the solitary system was not the best. It tended to insanity among prisoners for five, ten, or twenty years. The solitary and congregate systems were now therefore combined, with great success. The men worked in gangs, but never spoke to each other, and had their meals in separate cells. On Sunday they assembled in chapel and at Sunday-school. Good conduct gained a remission of a month in twelve months' sentence, and so on in proportion. Inspectors took down the marks they had earned and reported to the governor, who granted a pardon.

Dr. Frey advocated a combination of the separate and congregate system. A prisoner kept in a cell was not likely to withstand temptation on his release; he should mix with other prisoners, so as to prepare for re-entering society. Solitary confinement had been introduced in Austria, but it was limited in all cases to three years. A prisoner under a longer sentence afterwards mixed with other prisoners.

Mr. J. A. Foote said the Ohio system was nearly identical with the West Pennsylvanian, but had been much longer in existence. It comprised cellular confinement and congregate labour, instruction, and worship. Public announcement was given of an application for pardon, and this was considered by the court which had sentenced the prisoner. Finally, the governor of the State considered the representations, and if he granted the remission published his reason, so that if it had been obtained by misrepresentation the public kept the man under constant inspection. Formerly indiscriminate pardons were obtained by personal application and influence. At Columbus, containing 1,000 convicts, there was a chaplain, and every Sunday good people went and taught, their sympathy

and intercourse conducing to the prisoner's reformation. Associations also took supervision of them on leaving prison.

Sir W. Crofton repeated his assertion that the Devon commission, which inquired into the Fenian complaints, minutely examined the records and mode of discipline, and complimented the administration on the system pursued. Mr. Gunning had been chief warder at Lusk for sixteen years, and he defied him to say that any abuse existed. The prisoners there slept and worked together, and their conduct was inconsistent with Mr. Tallack's description of them.

The Chairman (Mr. Hastings) remarked, that keeping a prisoner apart was like keeping the hand on a spring; the moment you lifted up your hand it flew up. When a man thus treated was discharged, the change was so great that he was almost certain to fall back into his original habits. He should be educated for liberation, after passing through the cellular stage, by associating with his fellow-criminals; and next by going to an intermediate prison, where he had much greater liberty and where a further test was applied. If he still went on well, and gradually acquired habits of industry and fitness for liberty, he passed into the further stage of liberation under supervision.

XIII.—*Is the supervision of discharged prisoners desirable? If so, what are the most efficient means of accomplishing it?*

Mr. Barwick Baker—The law actually in force in England provides that a person convicted a second time for felony may be condemned, besides his sentence to prison, to be under the supervision of the police during a period which shall not exceed seven years. The person thus under supervision must present himself, and give an account of his conduct at the end of each month, either to the police or some person duly authorised to receive his report. If he changes his residence, he must give notice at the police-station of the district which he is leaving as well as of that to which he is going. As long as he does this, the police will be his friends, and endeavour to help him as much as they can, finding him work and giving him in case of need money furnished by the Discharged Prisoners' Aid

Societies. This system is highly beneficial to the person under supervision, because without hindering him from obtaining work it exercises over him that friendly benevolent guardianship so useful in the case of a person whose honesty is not altogether established. It lends itself very easily to his circumstances, offering him complete liberty so long as he conducts himself well, and being severe to him only when he fails in his duty. Moreover, it secures to the public a protection of seven years instead of one, and allows the term of imprisonment to be shortened by one-half, thus effecting a saving of one-half the total cost of his expenses.

The Rev. T. Carter deemed supervision a great advantage to the discharged prisoner, because formerly he was always apprehensive that an unfortunate acquaintance would tell his employer what he was, leading in nine cases out of ten to his discharge. Now he had only to refer to the police for his character.

Mr. F. Hill remarked that the Rev. Mr. Clay organized supervision in Lancashire years before the Legislature adopted it. He found it caused a diminution of crime and was beneficial to the prisoners, the police helping them to obtain work.

Mr. Murray Browne said it was sometimes alleged that the police supervision would prevent prisoners getting work, but Prisoners' Aid Societies knew that this was not the case. Last year, on the Home Secretary taking their opinion, thirteen out of sixteen were favourable to the system.

Mr. Stevens contended that in countries where an organized police existed, discharged prisoners should be under no more supervision than other citizens. In Belgium a man might be sent by the police to a small place, not being permitted to go to large communities, but he might not find work there, and was likely to relapse.

Mr. Baker, in reply, said much depended on the character of the police. If they were the enemies of criminals, and anxious to injure them as much as possible, he should object to supervision. As to the prison 'taint,' he held it a righteous punishment, and a prisoner should not be freed from it till he had obliterated it by uniform good conduct for years. A discharged prisoner could not find work as easily as the honest labourer, but practically he could always find it, though not possibly, of

trust which he might obtain if his character was not well known. He might regain his character by steady conduct, but not through ignorance of his antecedents.

[End of the first set of questions discussed.]

XIV.—*Ought prisoners, on reconviction, to be subjected to more severe disciplinary treatment than on their first entrance?*

Mr. S. Petersen remarked that, looking at the question superficially, an affirmative answer would be likely to be given to it. A recidivist apparently deserved severer treatment for the obstinacy of his criminal propensities. On looking more closely, however, into the matter, it involved some injustice. In Bavarian, as in most other prisons, while the length of the imprisonment was determined by the judge, the conferring or withdrawal of certain privileges with respect to diet, cutting the hair, &c., were left to the prison authorities, and might be withdrawn in the case of the recidivist. Surely, however, the judge took into consideration whether a prisoner had been previously a criminal, and regulated the sentence he passed thereby. It should be for him alone to award the punishment. If the prison authorities increased the severity of the punishment, the prisoner was punished twice, which was manifestly unfair.

M. Ploos van Amstel (representative of Holland) was of the same opinion. Punishment should be made more severe in the case of recidivists, by longer terms of imprisonment being awarded by the judge.

M. Stevens did not think that prison authorities should aggravate the punishment. The law should give longer sentences to recidivists, but all should receive the same treatment in prison, otherwise there would be arbitrary differences, and the severity would go on increasing for the third and fourth offence. It should be remembered that relapse was frequently caused by the criminal finding himself persecuted, and every door closed against him, society thus being responsible for a great part of his misdoing.

Dr. Frey (representative of Austria) maintained that recidivists should be more strictly treated. They felt this more

sensibly than longer sentences, and they were fully aware that this would be the result of relapse. In the prison of Carlau, in Styria, they were first put in an isolated cell, this being limited to three years, and then had three stages of congregate imprisonment, the first very strict, the second less so, and the third still less. Those who after ten years' imprisonment returned to crime might be kept half their sentence in the first stage, whereas in other cases the stage did not exceed a third of the sentence. This system had produced good results. The true means, however, of preventing relapse should be sought in a good penitentiary and police system.

Sir W. Crofton considered that cumulative and lengthened sentences were essentially connected with this question.

Count Sollohub thought the question of punishing recidivists was one for the law, not for prison authorities. If the latter made the treatment more and more severe for this class, a degree of cruelty would be arrived at incompatible with reformatory influences. He did not agree with M. Stevens that society was to blame for relapses, and that recidivists were entitled altogether to sympathy. He agreed with M. Robin that prisoners' aid societies were the best means of preventing relapses, and reinstating a prisoner in society. The treatment in prison should be such as to enable prisoners to profit by these associations.

Dr. Guillaume said it was not the custom in Switzerland to give longer sentences to recidivists. In some cantons they were condemned to bread and water two or three days a week. If they belonged to the class of petty criminals, they were generally in a state of physical debility, and if subjected to a spare diet it left the prisoners in a state of debility which made them relapse. The sentence should be sufficiently long for them to be taught a trade, for this was more effective than prisoners' aid societies. He deprecated recourse to a severity which Christianity disavowed.

Count de Foresta also thought the treatment of recidivists was one for the law, not for prison authorities. He was opposed to their being treated differently from the other prisoners, as this would tend to cruelty. The term recidivist should be strictly defined, and should not be applied to a man who, after having in passion or excitement committed a crime,

committed another kind of offence. It was for the judge to award the punishment, and a thief on third conviction ought to have a more severe sentence, as a man almost incorrigible, who had not profited by previous treatment; but the severity should not be excessive, for, as remarked by M. Stevens, society was also culpable. He might be forced back into crime by the refusal of employment. He agreed in the importance of teaching a trade. In Italy the recidivist received the maximum sentence assigned by the law, but not severer treatment, and all prisoners should be treated alike. The law might provide that the recidivist should not receive the minimum punishment.

The Rev. Dr. Bittinger (United States) advocated a longer sentence for the second conviction, and a still longer one for the third. This was consonant with the criminal's sense of justice, which must be appealed to if he was to be reformed, for he would despise the justice which punished a burglar for the fifteenth offence the same as it did the novice. Recidivists were almost entirely criminals by reflection, such as forgers, horse-stealers, and burglars. They made crime their business, and feared nothing but detection. They liked liberty and good fare, and feared bread and water, solitude, and privation. Unless they received this treatment, a premium was put on relapse.

Mrs. Ward Howe remarked that many recidivists were women, who could not be counterfeiters or horse-stealers. The criminal should be shown something better than his own savage standard of justice, and should be taught a high idea of human justice.

M. E. Robin (Pasteur—Paris) was convinced, by fifteen years' experience as gaol chaplain in France, that the recidivist was not reformed by aggravated treatment. He remembered two men who were condemned to ten years' imprisonment. One died from his severe treatment, and was not reformed. The other was difficult to manage; his intellectual faculties began to give way under the severe treatment, and he feared he should become mad. He saw him, and induced him to promise that he would work and comply with the regulations, for when a man refused to work his case was almost desperate. By means of that promise, he (M. Robin) obtained an alleviation of his treatment, which so transformed him that he appeared hardly

like the same man. He learned a trade, and on his release, in consideration of his good conduct, was exempted from police supervision. He went to America, and earned an honest livelihood. A criminal should be treated with firmness indeed, but with kindness, and enabled on release to provide for his subsistence. Patronage societies in France began their influence on prisoners before their release, by regular visitation, and this was the proper course. They were allowed to visit the prison daily, and come into intimate contact with the prisoners, whom they exhorted to work and submit to the rules. Severe discipline was opposed to Christianity and humanity.

XV.—Should prison labour be merely penal, or should it be industrial?

Mr. Frederic Hill opened the discussion by reading a paper, which will be found in Part III.

Major Fulford, governor of Stafford prison, contended that prisons were not reformatories, but should be a terror to criminals. The penal element in county and borough prisons was much decreased in consequence of the report of the House of Lords' Committee, and the number in his prison had since dropped from 780 to 200. He did not say that this was entirely owing to the penal element, but those who were not professional thieves or drunkards were certainly deterred by the penal element. The prisoners were offered work on their discharge, which there was no difficulty in doing in Staffordshire, and not above three or four per cent. of those for whom work was found ever returned to the prison. High moral teaching had no effect on the professional thief or drunkard, who were scarcely reformed in more than one case in a hundred. These prisoners were very submissive, and liked to break the monotony of their cell by talking to the governor or chaplain, and telling them they were reformed; but they looked on imprisonment as one of the accidents of their profession. They rarely took advantage of prisoners' aid societies, and would continue coming to the gaol till their death if they did not get penal servitude. Murder, manslaughter, embezzlement, etc., were seldom committed more than once; but the thief meant to be a thief, and

no prison discipline could be too strict for him. He should not, however, be left in the county prison, but sent to a convict establishment for a term long enough to break his habits. Penal labour should be retained as long as there was such a class of people to be dealt with.

General Pilsbury, warden of the Albany Penitentiary, New York, always found economical management and moral treatment go together in American prisons. Albany always paid its own expenses, including the salaries of the governor and subordinates. Not unfrequently prisoners who found the prison discipline very distasteful at first were redeemed from idleness, drunkenness, and cruelty, and became useful citizens. Penal labour was not calculated to reform men.

Dr. Wines, referring to the Moscow house of correction, founded, and for six years managed, by Count Sollohub, said a prisoner there was allowed to choose a trade, and, on mastering it, had two-thirds of his earnings. This was such a stimulus that in two months a man often became a skilled workman. During six years, out of 2,100 prisoners released, only nine had returned to the prison, and hundreds were pursuing, in their native villages, the trades they learnt as prisoners. Count Sollohub attributed the success of the institution to its industrial training.

Mr. Hibbert, M.P., stated that in Salford prison, generally containing 700 or 800 prisoners, all had to do a certain proportionate amount of treadmill labour, which was used as a lever to industrial work. The treadmill pumped water, thus saving 200*l.* or 300*l.* a-year. Last year the prisoners' earnings amounted to 4,549*l.*, paying for dietary, clothing, and everything except the officials. The amount increased every year. Industrial labour alone was impossible with short sentences; 4,116 out of 6,163 prisoners were sentenced to less than a month, 2,031 of them for seven days, and 1,030 for fourteen days. Industrial work could not be taught in such short periods, and deterrent labour was therefore necessary. It was a mistake to suppose that the Act of 1865 required the treadmill, crank, or shot-drill. It required hard labour of the first-class for three months, but it allowed the Home Secretary to sanction other forms of hard labour; and at Salford carpet weaving, cocoa matting, plaiting-machines, etc., had been sanctioned.

Count Sollohub said labour should be distinguished into three classes : punishment, occupation, and regeneration. These had been too much mixed up in prison discipline. He had devoted seven years of his life to some interesting and successful experiments in Russia, as to which he should be ready to answer any questions.

Sir J. Bowring warmly condemned the treadmill, and rejoiced that Continental languages had no word for it. It should be called a work-waster or wind-raiser. In Scotland it was viewed with horror. In his county there were 400 men constantly on the treadmill, which cost 1,760*l.*, so that even when it was abolished it would continue to be an annual charge of 90*l.* or 100*l.*, representing the interest on the outlay. It hardened the old gaol-bird, and made him associate labour with non-productiveness, and he knew how to cast all the burden on the poor broken-down fellow who had not been in prison before. It was cruel to the weak and feeble, and frequently caused death. Governors and magistrates might find elements of good in the worst prisoners, and what might they not do among the best? How many might they make happy whom they rendered miserable !

M. Ploos van Amstel said the hard labour in Amsterdam penitentiary was industrial, the manufacturer paying wages to the prisoner, a portion of which went to himself. Remunerative labour was good both for the State and the prisoner. The punishment of death, and all physical punishments, had been abandoned in Holland. He had been grieved to see a treadmill in an English prison he had visited, and with which he had otherwise been gratified.

Colonel T. Colvill (Coldbath Fields) said there were 600 prisoners a day on his treadmill, the largest ever made. He had never known a man the better for it ; they never liked labour before, and the treadmill made them hate it. The old prisoner knew how to wait till the step came down to him, and if he had healthy lungs did it without difficulty, whereas it was cruel for the weak-chested man, and perhaps injured him for life. A negro put on it by mistake after the surgeon had excused him on account of heart disease, once fell from it dead. Many had their legs and arms broken ; the other day, a man under a short sentence had both his legs broken. It was a

wicked waste of human skill and labour to put a mechanic sentenced for a trifling offence on it, instead of setting him to work at his trade.

Mr. Pownall, a visiting justice of Middlesex, asked how many accidents had occurred during Colonel Colvill's sixteen years of office?

Colonel Colvill said there had been, perhaps, half-a-dozen accidents in sixteen years. They were inseparable from machinery on a large scale, but they were especially distressing in the case of men forced to work at the will of others. A dozen trades were taught in his prison, the value of the work being several thousands a year, but the law required the treadmill for all sentenced to hard labour. Perhaps sixty or eighty were exempt from it.

M. Stevens said there was no distinction on the Continent between penal and industrial labour; all was industrial. The punishment consisted in the deprivation of liberty, and it was a punishment to take away labour, which was a man's consolation in prison. If an indisposition to labour was implanted in prison, the prisoner, on release, would avoid labour. He objected to brutalising labour.

Mr. Pownall asked whether the Middlesex magistrates ordered a man on the treadmill contrary to the surgeon's opinion?

Colonel Colvill said certainly not. They had no more power, however, to keep a man off the treadmill than he had; it depended on the surgeon's certificate.

Dr. Mouat spoke of the difficulty he found in India in providing the punishment required by the law. He found unproductive labour brutalising. The treadmill was tried in Calcutta, but caused many accidents, and was abolished as cruel and unjust. Subsequently he was required to introduce a modified form of it, but resolving that it should be productive, he made it grind wheat. The percentage of accidents was very small; but the anger and bitterness shown by the prisoner on ascending or descending it always made him feel that it was inhuman and unchristian. If prisoners were to be regenerated, they must not be made miserable, but must have an interest in their work, and be taught to apply it to useful purposes. The prisons under his charge had yielded a profit of 500,000*l.*, and during the last five or six years repaid forty

per cent. of the cost. Remunerative labour relieved the taxpayer and preserved the self-respect of the prisoner.

Mr. Hibbert, M.P., quoted the Act of Parliament to show that where the magistrates provide other forms of hard labour, the crank, shot-drill, and treadmill are unnecessary.

Dr. Frey said industrial labour prevailed in Austria. This alone would call forth the full working powers of the prisoner.

XVI.—*How far should the visiting justices, or boards of prison managers, control the administration of prisons?*

M. Loyson (representative of France), in opening the question, referred to the constitution and organization of the commissioners of supervision established in France. He said the functions of these bodies were carefully defined by long-standing regulations. Their special mission consisted in the religious instruction and moral reformation of the prisoners. Their services were entirely gratuitous, and they were generally chosen from the leading inhabitants of the district. The commissioners and the governors of prisoners were independent of each other. The former did not act as administrators, and confined themselves within well-defined limits. If the members of the commission perceived in their daily visits abuses or neglect of rules, or met with complaints from prisoners, they 'officiously' apprised the governor of it. Only in the event of his refusing to interfere could they appeal to the prefect of the department, or to the Minister of the Interior. Commissioners thus situated offered advantages which no other system could attain for the good government of the prisons. He recommended to the consideration of the delegates of other countries this effective plan of control, urging that the daily visits of local commissioners were better than the occasional visits of inspectors.

M. Vaucher Cremieux stated that in Switzerland, at the outset of penitentiary systems, there were commissions of surveillance, partly constituted as described by M. Loyson. During revolutionary struggles, however, the composition of these bodies was altered. At present the Grand Council appointed a

commission which was unconnected with the prison authorities, and might visit the prisons or not visit them. They could point out defects, and suggest remedies, but had no executive power.

Colonel Ratcliff (Birmingham) remarked that in England there was independent supervision. The visiting justices saw that the law was properly administered, and corrected any irregularity that might arise, while the Government sent down an inspector yearly to examine all the details of administration.

XVII.—*Ought the government of prisons to be placed wholly in the hands of one central authority?*

Mr. Hastings (Worcester), in introducing this question, said it primarily affected England, but it also concerned other countries, and he was anxious for the opinion of the foreign delegates on it. There were in England two classes of prisons; county and borough jails, governed by the local magistrates under instructions from the Home Office, and convict establishments, managed directly by the Government. Some high authorities on prison discipline wished all prisons to be placed under a uniform system under the Home Office, local control being abolished. This would secure uniformity in discipline and treatment, which so far would be advantageous; but he doubted whether we had reached the point of deciding that one system was better than every other, and of enforcing it everywhere. Even if there was now one system superior to all others, he doubted whether it was so excellent as to be incapable of improvement. A central system was apt to become stereotyped. The present variety of detail, and the interchange of opinions and experiences, would probably pave the way for a better system than any which could be theoretically devised. In small countries, easily managed by a central authority, a uniform system might be expedient. In Scotland there was said to be uniform and excellent management, under a board sitting at Edinburgh; but, however this might be, the whole population of Scotland did not equal that of London; and while it might be easy for one or two officials to manage 3,000,000 people, it was not so

easy with a large and varied population. As a delegate from the Worcestershire Quarter Sessions, he believed, and Sir J. Pakington, if present, would concur with him, that whatever the defects of county gaols, the practice of various methods and details would lead to a thorough comprehension of prison discipline. While grateful to the Home Office for its aid and inspection, magistrates believed themselves competent to carry on gaols, some of which, such as Wakefield, had set an example to the Government prisons of improvements in discipline. He should be glad to know whether on the Continent uniformity had worked well.

M. Ploos van Amstel stated that in Holland the Minister of Justice was chief administrator of prisons. This worked well in some respects, but changes of ministry were not infrequent, involving possibly changes in prison management. A council of three or four members should act with the Minister. Local boards, nominated by the Government, were charged with the interior administration or supervision of the prisons in every locality.

M. Stevens admitted that political decentralisation had its advantages, but questioned whether this was the case with administrative decentralisation. In Belgium, all prisons were under a uniform system. If a local commission suggested an improvement, it was considered by the central authority, and, if approved, was introduced in all prisons. Punishment as well as law surely ought to be uniform.

Mr. Hastings admitted that inequality of punishment was an inconvenience attending the English system. Fourteen days' hard labour did not mean the same thing in different prisons. This, however, might be remedied by intercommunications between visiting justices.

Dr. Guillaume remarked that each of the twenty-five Swiss cantons had its own legislature and administration, there being there no uniformity. It was the opinion however of those interested in penitentiary treatment, that the direction of prisons should be entrusted to a central authority. In some cantons, the police had the direction. A central authority should also have the supervision of hospitals, refuges, and similar institutions which had a preventive or other effect on crime. He attended last year a penitentiary congress in Germany, where

opinions were divided. North Germany wished the Minister of the Interior to have the direction, and South Germany the Minister of Justice. He preferred the former.

The Rev. Thomas Carter defended the English system, remarking that the punishments inflicted in county and borough gaols were never of long duration, and that magistrates would be jealous of yielding the control to the Government, into whose hands it would put a large amount of patronage. Prisons generally were now well managed, and he anticipated no advantage from a change of system.

Mr. T. B. L. Baker had visited most of the English, and some of the Scotch prisons. The latter were managed by an Edinburgh Board, who could not know with precision the circumstances of each locality. Local magistrates, as in England, were better acquainted with the feelings of the people, and could manage prisons better than a central body. Commissions of eminent medical men had laid down the cubic space and diet required by each prisoner, but they might as well lay down a uniform size of clothes. Nature had not made two men alike, and the circumstances of no two persons were so much alike as to make absolute uniformity desirable. Our system moreover had the advantage of interesting country gentlemen in the lower class, and he had found that benevolent Scotch gentlemen did not take so much interest in them, and were not able to do so much good.

Colonel Ratcliff said magistrates frequently felt the desirability of a wider discretion in dealing with prisoners summarily, instead of committing them to the Quarter Sessions. This power would save much expense.

XVIII.—*What is the treatment likely to be most effective for the reformation of juvenile offenders?*

The discussion was preceded by the reading of two papers, one by Miss Mary Carpenter, of Bristol; and the other by Charles L. Brace, Esq., of New York, for both of which see Part III.

Mr. J. A. Foote (Ohio) wished to pay a tribute of thanks

England and Europe for having established reformatory schools, and to tell the Congress that Americans had carried the idea further. It was the romance of doing good. The American schools were on the same principle, even to the making parents pay when able for their children's maintenance. The Ohio Legislature determined to have a house of refuge, but for two years the people would not sanction the expense. At length a bill passed empowering the governor to appoint three commissioners to examine the schools in the country and report on a plan. A German gentleman on the mission, Mr. Remmelin, having private business in Europe, visited Red Hill, Mettray, and Hamburg, and told his brother commissioners about it. They were glad European boys would submit to such a system, but thought it must be because there was a better family government, for in America many parents had said 'By your leave' to their children as soon as they got into saloons. The commissioners recommended the purchase of 1,172 acres for an institution on the family plan, and that 100 of the worst boys should be sent to a refuge at Cincinnati. An agreement, however, could not be effected with Cincinnati; and Salmon P. Chase, then governor, recommended that as the land had been bought, and it was too late to recede, the experiment should be tried. Mr. Remmelin took twenty boys from Cincinnati, and he (Mr. Foote) took nine from Cleveland, a gentleman picking out for him the very worst boys in the city. They asked whether they would have liquor, and insulted him before the governor, so that he expected the whole thing would fail. Mr. Remmelin abused him as only a Dutchman could for letting down such outrageous boys. On going down after six weeks a lad accosted him: 'How d'ye do, Brother Foote?' 'Where have I seen you?' 'You sent us here.' Such was the change in their appearance that he could not recognise them. 1,172 acres of land were cultivated, and not a death occurred for nearly eight years. One of the boys had been too young, and was now superintendent of schools in West Cleveland; another was managing a large workhouse; another showed great bravery during the war.

L. Vaucher Cremieux said it was easier to reform juveniles than adults. Great progress had been made in reformatories, and he particularly advocated agricultural colonies like Mettray,

where out of 4,000 inmates it was believed there had not been one who had not been completely regenerated. If juvenile offenders were reformed the germ of crime was destroyed.

Mr. A. D. Hendrickson, representing the industrial school in Wisconsin, said it was commenced seven years ago, on the congregate plan. One of the boys set the old building on fire, and it was burnt down, no lives being lost. It was full of bars and gates. They heard of the family system, and resolved to adopt it in the new building. The boys were divided into groups of thirty-five, a man and his wife taking charge of each group—he should prefer a smaller number. There was a school-house, also a ship, and nearly 300 acres of land. Some were employed on the farm, others in the garden, in making brooms, willow baskets, cane-seated chairs, etc., viz., those unable to learn a business. Some were tailors, shoemakers, etc. There were no bolts or locks, and the boys were sent out miles with a team, every confidence being shown in them. They were educated physically, intellectually, and morally.

M. Victor Bournat remarked that while England had her Miss Carpenter, France had her M. Demetz, who regretted that he could not attend the Congress, but wished it God-speed. The French law prescribed that when a person under sixteen years of age was charged with vagrancy or theft the question should be put whether he had acted knowingly, and had understood the consequences of his actions. If this was answered in the negative the prisoner was restored to his parents; or, if he had none, was sent to a penitentiary colony. Young offenders sentenced to less than two years' imprisonment were also sent thither. Those sentenced to longer terms were sent to correctional colonies, as also insubordinate inmates of the penitentiary colonies. The prison of La Roquette, the only one on the cellular system, received minors arrested or accused. If they behaved well they were set at liberty and apprenticed to a trade. If they behaved well they were never interfered with; but if otherwise, they were sent back to prison. In the country juvenile delinquents were chiefly employed in agriculture.

Mr. James Marshall referred to the Feltham industrial school, the first of the kind established in England. Unfortunately, the age of those admitted was limited to fourteen,

and the training extended over three years. The institution was partly a reformatory and partly an industrial school. A ship was sunk in the ground, with the view of qualifying them for sailors, which many of them became, being well received by captains. Military training inculcated habits of submission and discipline. Middlesex had also established an institution for girls at Hampstead. Religious instruction was given, health was attended to, and education and industrial training were given; cooking, house-work, &c., being also taught. There was no difficulty in obtaining situations for them, for they were more skilled servants than proceeded from many an honest man's home.

On the adjourned discussion upon this question, Mr. Herbert Safford asked whether it was the practice in New York to compel parents to pay for the maintenance of their children in the institutions referred to, and whether the country homes, to which allusion had been made, were large or small.

Mr. C. L. Brace replied that poor parents were not obliged to pay for the maintenance of their children in these institutions, but if they chose to do so they could. The farmer's homes were very simple, humble affairs, and were ranged, according to Western society, on a very equal plan; so that a child placed in one of these homes became a member of the family, grew up with the rest of the children, and shared all the benefits of their society.

In answer to Sir J. Bowring, Mr. C. L. Brace said there was no magisterial power of committal to the institution.

Mr. Howe (Ohio) said he appeared there as the representative of a free school, established on what was called the family system. Mr. Foote had explained how the system became introduced. It had been supposed that it would not be possible to manage the wild and vicious boys of their country upon the open plan, where there were no bolts or bars or prison appliances. The Legislature did not listen to the request that was made for money to build a house of refuge; but permission to use what was called a lock-up, a stone building 16 feet by 22 feet, was obtained. About half-a-dozen cells were constructed in it for refractory cases, but they were not wanted. Subsequently cottages were built, 100 ft. apart, with distinct playgrounds, at a cost of 2,000*l.* or 10,000 dollars. Each cottage

was designed for fifty boys, requiring three persons to conduct it—a man and his wife and an assistant. The church which had been erected for the use of this institution was the only church in the United States towards the building of which the State Legislature had contributed. Half the boys attended school in the morning, and the other half in the afternoon. The orchard contains 300 acres. Fourteen hundred boys have been discharged from the institution since its establishment, and only six had since been convicted and sent to prison.

Sir T. Fowell Buxton did not think the experience of ladies and gentlemen from the other side of the Atlantic had anything better to teach the Congress than the system which had just been described by Mr. Howe. The great point of difference between this system and the one prevalent in this country was that it was not necessary to keep the boys in the institution in New York for so long a period as we were compelled to keep them in similar institutions in this country. The average time during which the boys were kept in the New York Institution was about six months; but in England he believed it was seldom possible to reduce the average retention to less than twelve or eighteen months. He would, consequently, like to have more information on this point. The circumstances of the population in the United States rendered it easier to get rid of the boys. There they could be more easily fitted for the lives which lay before them; and it might be that there were also greater facilities for sending them out to the distant Western States, where the population was thin, where there was much to do, and where there was one single habit of manual labour throughout the whole population. When a boy got to those parts, he had no chance of finding another lazy boy to play with if he wanted to do so. It might also be that in England we were rather too aspiring in the homes which we sought for the children. On these points he would be glad to have further information.

Sir John Bowring said it was true that the average period of detention in the homes was about six months; but it was to be remembered that the children in them were not generally criminal children; they were neglected, deserted, or vagrant children, whom it was not thought necessary to keep for a long period. Then home influence was vastly superior to that of a

public institution ; and it so happened that there was an endless demand in the West for children's labour. The homes they found were not luxurious, but there were no better homes in the world than those good western homes. The children grew up under the best influence, and ultimately became farmers as tenants or fee-holders.

Mr. Baker said he had now been a reformatory school manager for little more than twenty years and three months, and he had found that one reformatory school was like another. Mr. Baker then described the experiment he made twenty years ago, and the efforts that were then put forth to procure Government assistance. The first object they had in view was not so much the reform of the boys as the putting of them in a place where they could not corrupt others, and the result justified this view. In 1856 laws were passed enabling reformatories to spring up pretty well over the country. Juvenile crime had been steadily increasing, the number of committals that year being within 19 of 14,000. In 1860, the number of committals was reduced to 8,029. That was a satisfactory and encouraging result.

Mr. Foote (Ohio) spoke in high terms of the efforts of Mr. Howe in regard to the establishment of homes for the reformation and training of boys, and remarked that industrial schools were now springing up all over the country.

Baron von Holtzendorff said that amongst the preventive measures in Germany was compulsory education, which had worked in such a way that such spectacles as met the eye in New York or London, or in any of the great towns, could not be seen in Berlin. They must not wait until a child appeared to be on the verge of crime, but he should be instructed as to his duty to society and himself beforehand. No child under twelve years of age in Germany could be brought before the magistrate for any offence he might have committed. It was reported to the schoolmaster, who inflicted on the offender the necessary chastisement. Then the law said that a boy between the age of twelve and eighteen might be sent to a reformatory, which was generally under the management of private persons. There he might be detained until the age of twenty. He was of opinion that the progressive treatment might be applied to juvenile delinquency. The prevailing opinion in Germany was

that it was not sufficient merely to detain a child to the age of thirteen and fourteen at a public school, but that there should be a complementary course to the age of eighteen, and that boys and girls who had left school ought to be obliged to attend evening lectures twice a week. This was thought desirable because the period he had mentioned was a very dangerous one. Such a complementary course was believed to be of much importance; and some such provision had been already made in Saxony. The subject was now occupying the attention of the Prussian Government.

Mr. A. D. Hendricksen gave an account of a school for the State of Wisconsin. It was exclusively for boys who had committed crime, or who were vagrants, having no visible means of support; and the latter class consisted largely of the sons of widows and of absolute orphans, who were looked after up to the age of twenty-one. A board of five appointed by the managers had entire control of the school, which was periodically visited and reported upon by a committee appointed by the Legislature. Last year there were 288 inmates, of whom 81 were American born, 57 were Irish, 48 German, 40 English, 16 coloured, 8 French, and 6 Norwegian, the remainder being Welsh, Hollanders, Canadians, Prussians, Poles, etc. The object of this institution was to destroy the prison by rendering it unnecessary, as a certain Assyrian king destroyed his enemies by making them his friends.

Dr. Guillaume observed that the people of Switzerland had come to the conclusion that the only means of destroying crime was by taking means to prevent it. Statistics showed that the want of proper education was a principal cause, if not the only cause, of crime. Some of the causes of crime were of long standing, and sometimes they were hereditary; but he contended that a suitable education in infancy would destroy or remove the hereditary predisposition to crime. He remarked that virtue was hereditary; and that probably the greatest philanthropists of the day owed their virtues to the influence of several generations. Neglected children were not responsible for their moral infirmity, although it subsequently might entail upon them public chastisement. He agreed with the gentleman who had preceded him as to the importance of reformatory treatment of juvenile offenders, but held that if

Christian and charitable families could be found to place them in, it would be a preferable plan. As in Switzerland a sufficient number of such families could not be found, they had been compelled to establish institutions in which to educate orphan and neglected children, and they had now in existence some seventy or eighty of them. All were organized so that they might resemble as much as possible the family circle; and the results, he was happy to say, were very satisfactory. The cases of unsuccessful treatment were not more than ten or fifteen per cent.; and what he meant by those who turned out well was that the children grew up orderly and respectable people, honestly earning their living, subsequently marrying and becoming themselves founders of new homes, which was the grand object of life.

Mr. W. H. Wills (Nottingham) said that twenty years ago he had an opportunity of witnessing the effect of giving fifty of the best-conducted boys in a school gardens to cultivate; and this had a powerful influence upon all the boys in the institution, which was four times the number named.

The Rev. W. T. Crombleholme adverted to a statement by Baron Holtzendorff that children under twelve, instead of being taken before a magistrate, were taken before the schoolmaster, who was the person appointed to correct them. The statement suggested that in Germany a schoolmaster must be made more of, and be a more responsible person than the schoolmaster was in this country; and he could not help thinking that if the schoolmaster here had a better position, and was looked up to with more respect, that would have an exceedingly good influence on schools and on children generally. It was added that when a boy had left school at twelve or thirteen he was obliged to attend lectures once or twice a week. He supposed such instruction corresponded to that given in English night schools, which he was sorry to say had for some time been losing ground. The Government appeared to be making them of less importance than they really had been, and than they really ought to be; and it would be well if the public would give the matter a little more consideration. The night schools in the large manufacturing towns would become almost useless unless more encouragement were given to them in the way of examination. He was glad that the Congress had given ex-

pression to the feeling that the improvement of the condition of children and the prevention of crime was a matter of far more importance than cost; but he regretted that there appeared to be among economists a strong feeling against industrial and reformatory schools which militated strongly against the increase of their number. Money spent upon industrial schools and reformatories was exceedingly well laid out. During the last few months an attempt had been made to take the inspection of industrial schools and reformatories from the Home Office, and to place it under the Education Department. It was felt by the managers that this would be a misfortune, and it had been prevented for the present. The training in industrial schools and reformatories was of a different character from that in elementary schools; but in the former special attention had to be paid to the formation of habits of order, industry, and self-respect. It was not possible to apply to industrial schools and reformatories the same standard of examination that was applied to elementary schools, because it was necessary to pay more regard to moral training than to reading and writing.

Mr. Aspinall (Liverpool) did not think any day of the Congress had been more usefully occupied than this had been so far. In England we were beginning to appreciate that prevention was better than cure, and was much more likely to succeed. We might prevent where we could not cure. In the matter of moral and religious training it was better to strengthen those who stand than to endeavour to lift up those who fall; the one ought to be done and the other not neglected. Credit enough had not been given—that they would never seek nor desire it—to the originators of the reformatory movement. (A voice: That is true.) It was much to be regretted that in this country we could not sufficiently often get Parliament to make social questions imperial ones. We had exciting party conflicts, but they were not so profitable to the masses as they ought to be, considering the time they occupied and the matters which they prevented Parliament considering. Thanks to Miss Carpenter we had some reformatories; but we had masses of population congregated in the most artificial manner, in lanes and valleys, which we did not show to foreigners. We ought to be ashamed that with all our wealth we had done

so little for the valuable lives of teeming millions, who ought to be the first consideration of a Christian community. We now had in England in full working order our reformatory system, which reached certain of the poor, wretched, and suffering class; we had our industrial schools, which were admirably designed to reach others of the same class; we had our workhouse schools, which educated a large number of poor and neglected children; and now, following the example of Germany and other states, we had made elementary education compulsory: but even these four agencies for ameliorating the condition of our neglected classes, would leave a large area for philanthropic effort in our great towns. In order to be sent to a reformatory, a child must have committed a distinct act, indicating the necessity for reformation; in order to be sent to an industrial school a child must be wholly neglected and likely to fall into crime; before entering a workhouse a child must be essentially a pauper, which is a melancholy starting-point in life. And many children who would be sent to school under the compulsory Act, would emerge daily from homes in wretched alleys, cellars, and garrets, in which they would be subjected to the most dreadful influences; and looking to the morally pestiferous atmosphere breathed by many who would not come more under the influence of the law then, there was a very large field open to ladies and others for doing a great work in improving the parents of the children. We must take care of the children; but was it not a needful and urgent thing to do something for the homes in which they lived? We had yet to learn that advanced civilisation meant something more than pomp, vanity, show, and self-indulgence; that civilisation meant the uplifting of the poor to a position at least of consistency with those philanthropic and Christian principles which we all professed to act upon, but which we most of us practically ignored in our daily life.

The Rev. S. C. Baker, who could plead three apprenticeships to reformatory management, said that that for boys with which he was now connected in Monmouthshire, although it was the smallest, was not the least successful. As to the family system, they had no choice; they had been a small family from first to last; the managers had considered themselves *in loco parentis*, and the superintendent and his wife had

acted as father and mother to the boys, who had come to regard them as such, and that not only in the school, but ~~also~~ when they had left it and gone into the world; so much so ~~that~~ on their earnest entreaty the matron had gone to nurse ~~boys~~ that had suffered illness in their situations. There could be no question of the importance of the family system, because the object was to reinstate boys, not only as inmates of ~~in~~ institutions, but as members of families and of society. People who went to see the Monmouthshire reformatory were somehow disappointed to find that the home was simply a farm-house, and that the school was held in the barn; yet there was almost everything that a reformatory should have. The farm when taken was in a rough, uncultivated, and exhausted state, but by degrees it had been brought into good condition. Gardening was one of the most important features in the reformation of the boys, and nearly the whole farm was now a well kept garden. Not only did the work reform the boys, but the undertaking was most successful in a pecuniary point of view, so much so, that when a return was made to the inspector, he sent it back, on the erroneous assumption that there must be a mistake in the reported amount of profits.

Mr. A. H. Safford desired the meeting to return to the discussion of the relative merits of large and small establishments. The printed reports seemed to show that whatever might be the advantages in regard to training, the advantages as regarded expense were greatly in favour of small establishments; and that had been one experience in England. Personally he saw ten thousand criminals a year, and his conclusion was that the want to be supplied was that of home influence. In too many cases children were brought before the magistrates by their parents, or more generally their step-parents, with a view to their obtaining the advantages of the education supplied at the industrial schools. We had been too tender-hearted in the past about making education compulsory; we allowed the thistle to take root and to flower and the seed to spread, and then parents who would consider it a disgrace to send their children to a workhouse school, sought to get them into an industrial school. We should strike at the root of this by a direct system of compulsory education. Cases had occurred in which parents with an income of 2l. a week

and got one child, two children, and even three children into industrial schools, and those parents did not pay to Government even what it would cost to keep the children in bread and butter. They wholly seemed to have lost sight of the question raised by Miss Carpenter, whether it was possible to procure employment for children without the intervention of industrial and reformatory schools; but this seemed to him to be a matter of very great importance. If we could provide criminal training without subjecting youths to the stigma of a criminal proceeding, we should do much good. He supported my proposition for placing children under the protection of the State instead of leaving them in the hands of degraded and dissolute people, living in miserable overcrowded rooms and houses. We were too tender-hearted in our treatment of marine store dealers who made purchases of children under sixteen. We must stop that traffic, to remove the temptation which it offered to children; and if we could get hold of them and accustom them to hard work they would not become thieves.

The Right Hon. Sir Walter Crofton said it was clear that the feeling of the meeting was in favour of the family system as opposed to the congregated system.

Mrs. Meredith very much wished to know what became of the children of prisoners in continental countries, and what was done with children born in prison of mothers who were not married.

Dr. Marquardsen (Bavaria) said that in Bavaria such children were taken care of by the State, as if their parents were not living.

Mrs. Meredith: When parents are discharged from prison must they take their children immediately?

Dr. Marquardsen: If they are able to support them they can get their children back again.

Mrs. Meredith: But if they are unable?

Dr. Marquardsen: When children are not provided for as to instruction the State interferes.

Mrs. Meredith: But if a woman comes out of prison without means of support, and if she has a child, do you allow her to return with her child to an abode where crime is rampant?

Dr. Marquardsen: The State assumes the right to look after children compulsorily.

Dr. Guillaume said that in Switzerland the children of parents in prison were cared for by the Commune, the local authorities being compelled to extend this care to them. It was, however, of a selfish nature, and wanted heart. Private assistance was destined to replace the obligatory assistance.

Mrs. Meredith: Such as is afforded in this country?

Dr. Guillaume: Certainly. I have been charmed by my visits to the industrial schools of England.

The Rev. Joshua Coit (Massachusetts) said that in that State such children became wards of the State; they were placed in reformatory schools, and might be put in the charge of families, where they would be visited by the State agents. In many cases, children under sixteen who were accused of crime were not placed in reformatories at all, but were at once placed with families. In reply to the question, Does the parent absolutely, in all cases, lose control of the child? he said, Yes, except under special circumstances; when, by order of the Court, a child may be given up.

Mr. Ford said that hitherto certified industrial schools for those who were not sent to prison had been established in this country wholly by voluntary effort. Now that education had been made compulsory, counties and boroughs had the power to establish such schools. It was a singular fact that in England the more criminal institutions, the reformatories, had remained stationary ten years; and these were only sixty-four or sixty-five. But the least criminal class of institutions—the industrial schools—had more than doubled in number during the same period. In 1861 there were forty-one, and fifty had been established since. Thus it appeared that the least criminal class were doing away with the necessity for the more criminal class, and he did not doubt that some reformatories would soon be turned into certified industrial schools. Altogether, 40,000 had passed through the schools since 1854. The greater part of the money for the maintenance of the schools had hitherto been provided by the Government; but part had been contributed from local rates, by parents, and by the proceeds of industrial work.

At this point the discussion of the subject in full Congress was stopped; but it was resumed in one of the three sections which sat on the last day of the Congress, in a room of the

Society of Arts. In this Mr. A. H. Safford asked whether Miss Carpenter proposed that compulsory power should be sought? For instance, supposing the parents deceived the school board as to their inability to pay, ought power to be used to proceed against the parents for the recovery of the payment which the board had made for the education of the child?

Miss Carpenter thought all that would be remedied by the investigations of the school agents, who performed the most important part of the whole system. When the school board at Bristol began to work, they appeared to have a liking for school agents, and at first tried to get the assistance of the one she had. They divided the city into four parts, appointing an agent for each; but in that part which had previously been worked by her own agent, there were several courts he had visited which the school board agent passed over altogether. His excuse was that he had not time enough to look after them.

Mr. Marshall heartily approved of the scheme shadowed forth in the remarks of Miss Carpenter, as one calculated to reach the class for whom it was intended. It was remarkable, however, that so many of the neglected children that swarmed our streets belonged to parents of the artisan class, who, being addicted to drink, were, more or less, in a state of abject poverty, though in the receipt of good wages. Something ought to be done for such children. The poor law guardians could not help them; for, so long as the parent was getting good wages they could not interfere, and they did not interfere at all, except on his own application for relief. A plan was in operation at Aberdeen and Edinburgh similar to that described by Miss Carpenter, and was attended with good moral effects. Such was the dirty and ragged condition of children that, unless some special means were applied, they would be quite unfit for schooling. Many of them were hungry as well. The way in which the difficulty was met in Aberdeen and Edinburgh, and perhaps elsewhere, was this: On entering the school, the children laid aside rags, and, after having a good bath, a suitable dress was put on them, and they wore it the whole day. They were taught such things as they were capable of learning; they had a playground, food of a simple character was given to them, and at night, resuming their old clothing, they returned home.

By staying at the school all day, they were able to learn at least the elements of civilisation and good manners, cleanliness, and so on, and that learning had its good effect upon their parents and all with whom they came in contact. The agency was altogether a voluntary one; and he agreed with Miss Carpenter as to the desirableness of having the co-operation of the school board agents to enforce attendance, though he feared they would not get much payment from the parents for schooling, as was shown in the case of those children who were sent to the reformatories. The magistrates ordered the parents to pay so much a week towards the maintenance of their children, and, although the sum was comparatively small, very little could be got from the reckless parents; and then the remedy was almost worse than the disease, for if the magistrate sent the defaulters to prison, the family would be dispersed, and, in all probability, sent to the poorhouse, their only source of maintenance, the father's wages, having gone with his committal. Unquestionably Miss Carpenter's plan was in some measure attended with the risk of relieving the parents of a liability that they ought to undertake, and not a few negligent ones would eagerly avail themselves of the opportunity of shifting their responsibility on to other people's shoulders; but at the same time, it was a deplorable thing to let children, wholly neglected by their guardians, grow up in crime and misery. The measure suggested by Miss Carpenter promised well, as a whole, and he hoped it would have the sanction of the Legislature.

Colonel Ratcliff, referring to the James Street Industrial School at Birmingham, established twenty-five years ago, said the system worked there produced the most beneficial results, not only on account of the education given, but also because the various trades carried on created in the children healthy habits, that induced, in their turn, a desire to continue those occupations after leaving the school. It was of the greatest importance that institutions of this character should be organized under the school boards. With regard to workhouse schools, the associations of the house were inseparable from the school, and the children grew up indifferent to their position in after-life. This had been made manifest over and over again; and where entire separation had been made, the result was quite different. In Birmingham, some years ago,

before the present workhouse school was built, the more experienced members of the Board of Guardians decided that there should be a complete separation from the house ; but unfortunately there were other guardians who overruled the decision, in the belief that the mere erection of a wall between the school and the house would serve as a sufficient severance. In Shropshire there was a town in which the authorities strictly carried out the separation of the school from all the workhouse associations ; and the result was that the children never expressed a wish to be dependent, in any way, upon the care of the parish. At Birmingham, several years ago, the question of national education excited much attention. An organization was formed for visiting the town throughout, and it was found that 20,000 children never went to school ; and of these 700 were so utterly destitute that they could not possibly be allowed to come to school. The school fees of at least 10,000 to 12,000 were paid in order to induce parents to send their children, and in many cases clothing was provided also. A boys' beadle was now employed in bringing neglected children before the magistrate, that they might be sent to the industrial school.

The Chairman then read a *résumé* of a paper by Mr. Sheriff Watson, showing the beneficial results of a system established by him at Aberdeen for dealing with an idle, vicious, and disorderly set of children, who had been brought before him whilst discharging his judicial duties.¹

The Rev. W. C. Van Meter, of New York, described how successfully he had been engaged in rescuing, and placing in Christian homes, neglected and homeless children. In his description of the history of the organization in New York, he remarked, that the portions of the city for which little or nothing was done by means of missions, but which he penetrated, had, on the average, a grog-shop for every two dwelling-houses. The rescue of children with such surroundings had to be effected by no ordinary method. Starting with the principles of the Christian religion as a basis, he provided himself with a huge basket full of flowers, and distributed them among the poor, wretched children, who liked them well, for they rarely saw flowers. In that and other ways he won the children,

¹ This paper is given in Part III.

whom he rescued. He had no money to carry on the work with, except what was contributed voluntarily. He would not ask the aid of the Board of Education, who at that time and in that particular district, were, eight out of ten, not only illiterate themselves, but gamblers or rum-sellers. He especially addressed himself to the question, How could he aid these children without at the same time degrading them? The principal part of the work was the removal of the children to Illinois and the Far West, where they had respectable families to live with, and received a common school education. In this way he had, since June 1861, brought into the Howard Mission and Home for Little Wanderers 11,009 children, gathered from the streets of New York. While the work was still being carried on there he was proceeding to Italy to establish a Bible school in Rome in connection with the Bible and Publication Society of Philadelphia.

XIX.—*Is it desirable to establish international prison statistics? And if so, how may this be accomplished?*

Signor Beltrani Scalia said it was needless to show the utility of penitentiary statistics, which alone could furnish legislators with the elements necessary for a reform of the penal system, and which moreover would furnish judges with valuable hints in the application of punishments. The idea of collecting and publishing every year international penitentiary statistics was first given in 1837, by M. Ducpétiaux. It was afterwards taken up and endorsed by the Prison Congresses of Paris, 1853, and Brussels, 1863; as also by the Statistical Congresses of Vienna, in 1857, and London, in 1860. Unhappily, all these resolutions had as yet led to no result. In 1870 the Statistical Congress at the Hague unanimously decided, on the motion of the director of the Berlin statistical department, that a series of tables and questions should be prepared by Denmark and sent to all foreign governments. This, too, unhappily, had had no practical result. There was no thought of imposing any restraint on the various governments. Each of them would remain at perfect liberty

to determine the form and time of the official publications it considered useful; but an International Commission ought to be appointed, comprising representatives of the different countries, which would lay down the basis of international penitentiary statistics. The Statistical Congress at the Hague also expressed a wish that the statistical tables should be drawn up not only in the language of the country, but in French. It would thus be no longer necessary for the governors or inspectors of prisons to know all languages in order to study foreign official documents.

Mr. E. H. Coates had been requested by two large American associations, representing nearly half a million persons, to ask the Congress to obtain statistics on intemperance, and also to call on the people to forbid the manufacture and sale of intoxicating drinks. They believed that the greater number of convicts were brought to gaol, directly or indirectly, through intemperance.

Dr. Wines agreed with Mr. Coates's remarks, but thought them irrelevant to this discussion.

Count Sollohub (representative of Russia) suggested the appointment of a committee to arrange for uniform statistics in all countries. He was sure no country would refuse to co-operate.

Dr. Frey (representative of Austria) remarked that a comparison between different countries would be attended with some difficulty. If the question arose how many persons suffered from lunacy under isolated and how many under congested imprisonment, the per-centage of lunacy in the country should be considered. So with regard to the rate of mortality in prison. The difference of rate under different systems might be due to nationality, not to system.

Dr. Guillaume (Switzerland) urged the importance of statistics as a guide to prison reformers. He did not expect great immediate results, but in twenty, thirty, or fifty years, they would allow the keystone of the arch to be supplied. Minute information should be obtained of the criminal, so that the springs of crime might be ascertained and dried up.

Professor Leone Levi would propose that a committee be formed, consisting of one or more deputies from each country,

to lay down the principles of a yearly statistical report on crime and prison discipline. The Statistical Congress about to meet at St. Petersburg would welcome the co-operation of this Congress in formulating prison statistics. The classification and nomenclature of crime differed in different countries; murder in one might not be murder in another. In England there had been a diminution of indictable offences, but including summary convictions, the aggregate was greater than it was seven or ten years ago. To ascertain a decrease or increase of crime, the nomenclature must first be agreed on.

The Chairman (Baron Mackay) concurred in the importance of uniform classification. He would inform the International Committee of what had been said, and suggest that a report should be presented to the St. Petersburg Congress.

XX.—*What is the best mode of giving aid to discharged prisoners?*¹

Mr. Powell (New York) said that with the paper which they had just heard in its main features he most heartily concurred. It seemed to him that the duty of society to the prisoner was inadequately discharged if it terminated on his leaving the prison door. He thought the Government owed it to the prisoners to found the necessary institutions to meet the requirements of discharged prisoners. They ought not to be called prisons or houses of refuge, but industrial institutions, supported and maintained by the Government. He would not have the prisoners wholly supported by such institutions, but have them educated on a plan of co-operative industry, by which the labourer should share the advantages of his toil. One answer to the question then was, co-operative institutions to which both men and women might resort on leaving the prison, and be there respected in the prosecution of their work. A case was mentioned to him of a man who had left a prison, but wearing clothes which were furnished by the prison, which

¹ This discussion was opened by a paper by Mr. Murray Browne, which will be found in Part III.

being known, caused him to be looked upon as a suspicious person, and prevented his obtaining employment. Being hard pressed he entered an office and stole a coat, which resulted in his being sent back to the New Jersey Prison. Secondly, there should be in every community, as was suggested in the paper he had heard that morning, voluntary associations for proffering assistance to discharged prisoners. Thirdly, he would have the prisoners taught the lesson of abstinence from intoxicating liquors as a beverage. Seven-tenths of the inmates of New Jersey Prison had come there, either directly or indirectly, as victims of intemperance.

M. d'Alinge (Saxony) said that forty years ago a society was established in his country for the aid of discharged prisoners, at the instance of King John. Other societies had since been established, and they had much prospered. They were worked by both ladies and gentlemen; and lately they had extended their help not only to the discharged prisoners, but also to the families of the prisoners. This was one of the most important questions that could be discussed; and one in which they should say, let all help and not be weary in well-doing.

M. Robin (Paris) asked permission, before treating of the question immediately before Congress at that moment, to report a piece of news, which he had no doubt would be interesting to all present. There was then assembled at Paris the Synod of the Protestant Reformed Church, and it had unanimously resolved to forward an expression of its lively sympathy with the objects of the Congress, and its earnest desire for the success of their efforts. He wished first of all to correct an error which appeared to be prevalent. Several members of that Congress appeared to think that the idea of patronage was exclusive, that was to say, that it did not take proper account of the means necessary for the reformation and regeneration of the prisoners. He wished to say that the idea of patronage embraced industrial, moral, and religious instruction, and that upon the way this instruction was imparted depended satisfactory results. Then patronage had not merely to do with prisoners after their discharge, but penetrated the prison walls; and it did so without there being any conflict

with the authorities of the prison. Parisians contended that patronage should begin its influence when a man was under confinement; for they held that it was extremely difficult to exercise their patronage in an efficient manner upon a man when he left prison, and they had had no opportunity of becoming acquainted with him. He could not accept the patronage of a man whom he did not know, and whom he saw for the first time. He therefore contended that the prison should be opened to the Aid Society; that its members should make regular and frequent visits; that in certain cases the visitors should be entrusted with the keys of the cells in which the objects of their solicitude were confined; and that they should be enabled freely to converse with all the prisoners. In that way a direct personal and important influence could be brought to bear upon the prisoners, whilst they were prepared for their exit from gaol and their subsequent career. Those who showed themselves worthy of aid by an improvement in their disposition and a determination to support themselves by honest industry, on leaving the prison presented themselves at the office of the society, where clothes, food, and sleeping accommodation were provided, and efforts were made to procure them employment. The society continued its assistance until those it was caring for completely regained their position in society. This system had been very efficacious in Paris, not more than 5 per cent. of those so aided being known to relapse into crime.

Dr. Guillaume (Switzerland) said the system of Sir Walter Crofton seemed to the people of his country to attain the object in view with regard to discharged prisoners. Great difficulty was felt from the prejudice which exists against discharged prisoners, and nothing should be left undone which would tend to raise their character, and induce society to receive them back in a kindly manner. Then it was important that the prisoner should have a knowledge of some trade by which he could honourably earn his livelihood; because if he had not the means of earning his bread, he would certainly relapse into his former condition. Employment too, should, if possible, be provided with as little delay as possible, the discharged prisoner not being allowed to wander about in search of it, until he lost his desire for work and fell under the temptation of drink. The assistance thus rendered should be of a

moral and industrial character, and should be given both by the State and by voluntary societies.

Mr. Baynes Ranken said he belonged to a society which occupied among societies of this kind the most important position. The first Prisoners' Aid Society was established at Birmingham in 1836, and that of which he was the honorary secretary came into existence the following year. The difference between the society he represented and other societies was, that it was the only society in England that exclusively undertook the cases of prisoners discharged from convict prisons. The other societies, which were thirty-three in number, undertook the care of prisoners discharged from county prisons. From the returns he had in his hands, he found that in the course of last year, the society he represented undertook the cases of 477 discharged male prisoners, the other cases amounting to something like 94. The return of the prisoners which had been re-convicted between November 1, 1869, and October 31, 1871, showed that out of 837 assisted on discharge, only 46, or from 5 to 6 per cent. had been re-convicted, or were known to have relapsed into crime.

Mr. Murray Browne agreed with M. Robin, that patronage should begin in the prison, and observed that that was practically done in England; for the chaplain was invariably either a member, or the secretary of a Prisoners' Aid Society.

XXI.—*What are the best means of securing the rehabilitation of discharged prisoners?*

M. Stevens (Belgium) stated his intention to treat the subject from the two points of view, of moral and legal rehabilitation. The former was to be obtained by giving every person confined in prison instruction in the particular religion which he professed. In his country the dominant religion was Roman Catholic, and in the prisons were to be found also Protestants and Jews, as well as Roman Catholics. Each of these had the assistance of a minister of his own religion, and he had known an instance in which a Protestant clergyman had been brought twenty-seven leagues for such a purpose. He

argued that in England and other countries, the same liberality should be shown. He then contended, in support of his second proposition for legal rehabilitation, that the discharged prisoner should be free from the supervision of the police, and from all restrictions other than those to which honest men were subjected. In Belgium, a prisoner lost his right to vote, to carry arms, and discharge various political duties during a certain period. That was unfavourable to the progress of a man endeavouring to regain his position in society. A man was not a free agent as long as he was a marked man. On leaving prison he ought to receive encouragement, and to be helped to procure employment. Such patronage might be awarded as a recompense for good conduct whilst in confinement, and it should be exercised over women by women, and over men by men.

Mr. G. W. Hastings (Worcester) thought it was possible, that in regard to the facilities for obtaining religious instruction in the prisons in this country, M. Stevens was under some misapprehension. It was not the case that in England prisoners were compelled to receive the religious ministrations of those from whose faith they differed. On the contrary, under the Act known as the Prison Ministers' Act, it was in the power of any bench of magistrates in charge of a gaol to employ, in addition to the chaplain, who was a clergyman of the Church of England, a Roman Catholic chaplain, and to pay him a salary out of the funds at their disposal. In the gaol of the county he represented, a Roman Catholic chaplain was employed and paid. There was now a Bill before Parliament, the object of which was to make the employment of such a provision compulsory in all the gaols of the kingdom. At the present time, the employment of a Roman Catholic chaplain was only optional. It was probable that the Bill now before Parliament had led M. Stevens into error.

Sir Walter Crofton observed that in Ireland there were not only Roman Catholic, but also Presbyterian chaplains engaged in the prisons along with chaplains of the Church of England. M. Stevens objected to police supervision. He had known no bad results from police supervision in this country. On the contrary, he had found the police co-operating in every possible manner with discharged prisoners in their efforts to obtain

employment. Conditional liberation was one of our stand points.

Mr. Macfarlane (Ireland) remarked, to show the extreme anxiety on the part of the authorities in Ireland to consult the religious views of the prisoners, that he knew of a case in which a Unitarian minister was called in to attend one of them. He then expressed himself as opposed to the emigration of discharged prisoners; for when they arrived on a foreign shore they were not known, and, consequently, they did not receive the treatment their cases required.

M. Stevens wished to explain, that police supervision in England was very different from police supervision on the Continent. In England it meant protection and assistance; in other countries it meant exactly the reverse. He was quite in favour of such supervision as was meant by Sir Walter Crofton.

Mrs. Howe (Boston) said one thing had not been expressly mentioned in dealing with the rehabilitation of the prisoner on his discharge. She was reminded of the line of Mr. Emerson on the death of his child: 'Perhaps the world and not the infant failed.' She could not but think that they might say the same of the prisoner. A maid-servant, when carrying away a tray filled with linen articles which had not been satisfactorily dealt with in the laundry, in answer to a question concerning them, replied, 'They are our failures.' When she saw the melancholy vehicle carrying the poor criminals to their place of detention, she might say to society, 'There are our failures!' It would be much for the good of the prisoner if society bore in mind that it had failed, and even more largely than the individual, because it had more power than the individual. She wished now to say one word, and a painful one, respecting the rehabilitation of her sex. She wished the technical and unjust phrase applied so commonly to women to be stricken out from such councils as those. As they spoke of vicious men, licentious men, and virtuous men let them speak of women. And, unless they always wished to go back to the orthodox fall of man, let them not speak of women in separate terms.

Baron Mackay (Holland) said there was no doubt that religious equality prevailed to the largest extent in the prisons of both Holland and Germany; and as to the rehabilitation of

prisoners, he was not in favour of this being effected by a judicial verdict.

Mr. B. Baker (Gloucester) remarked that in England the prisoner on his discharge became possessed again by right of all the privileges of a citizen. The best plan of reforming the dishonest man was, in his opinion, to imprison him for a certain time, and then to liberate him under supervision. As no man became utterly base at once, so no man became good and strong enough to resist temptation at once. He also held that the gaol was not sufficient to make a perfectly honest man, fit to be trusted anywhere. He further believed that the stigma, as it was called, the want of character by a man when he went out of prison, was one of the most wholesome and natural parts of his punishment. It ought not, however, to be such as to prevent his finding work, and to keep him in idleness; but it should throw a doubt around him as to his honesty, and make him feel that a good character was something really worth having. Supervision in this country was both careful and kind. In his own county there was hardly ever such a thing as a man under supervision out of work. He maintained that such persons ought not to be able to get light, easy, and well-paid places where their characters were not known; and that a man would not recover his character really and earnestly if he began his course by telling a lie or concealing the truth. He must begin his new career with a lower kind of work, and if he showed himself worthy he would, in the course of time, rise to higher positions.

Dr. Wines (representative of the United States) wished to state the law and practice in reference to this subject in the United States. In most of the States, he believed in all of them, a conviction for felony deprived a man of a number of his civil rights; such, for example, as the right of voting at elections, and the right of giving evidence in a court of justice. The termination of the sentence he had undergone did not restore to him those rights which he had forfeited; though they might be granted him by an act of pardon on the part of the Executive of the State. In most of the States they now had what were called Commutation Laws; that was power granted to the criminal of abbreviating his imprisonment by good conduct, industry, and attention to the regulations of the

prison. Where a man passed through a certain term without any marks against him, he received the maximum diminution of his sentence, and he received a certificate to that effect from the governor of the gaol, countersigned by the governor of the State. Such a paper restored to him all the rights he had forfeited, and he became completely rehabilitated.

The Hon. Mr. Chandler observed that in Pennsylvania a prisoner left the gaol in as good a condition politically and civilly as that he possessed before the commission of the crime. For instance, the day after a man had completed his term of five years' imprisonment, he could either vote at an election, or be voted for, if anybody could be induced to vote for him.

At the request of Mr. Hastings, Sir John S. Pakington explained the position in England of the question of religious instruction in gaols. He understood remarks had been made which seemed to imply that in England, in attending to the important point of the religious instruction of prisoners, we allowed only chaplains connected with the Established Protestant Church to attend our gaols, and that we did not permit chaplains of any other denomination to do so. This was a serious imputation; whatever our religious differences might be, we all recognised the necessity of endeavouring to teach the Christian religion to the unfortunate men who became inmates of our gaols; and he for one could not consent to ignore denominational differences between prisoners, or to hold that the Roman Catholic was not as much entitled to religious help and instruction as the Protestant. He and Mr. Hastings belonged to a body of magistrates who had availed themselves of a permissive Act which enabled magistrates to appoint Roman Catholic chaplains in gaols; and there was before Parliament a measure to compel magistrates to appoint Roman Catholic chaplains in certain cases. It was introduced last year by the Government, met with a good deal of opposition in the House of Commons, and was dropped. This year it had passed through the House of Lords, and was again before the House of Commons, and he felt it his duty to support it. He was the more bound to do so because some years ago the question was referred to the consideration of a Select Committee of the House of Commons, of which he was a member, and he drew up the Report adopted by the Committee on which the Bill was

founded. As there had been much misapprehension with regard to the present state of the law, he thought it right to make this explanation. We had a permissive law—it was generally the Act universally adopted—and he hoped that before the close of the session there would be a compulsory law providing that no man should be deprived of religious instruction because he happened to be a Roman Catholic.

[It may be added that the Bill alluded to by Sir J. Pakington was withdrawn for want of time to discuss it in the House of Commons.]

In the third of the Sections which sat simultaneously on Thursday, July 11, the subject of the *Prisoner after discharge* was re-opened by Mr. J. A. Bremner (Manchester), in whose opinion, while credit must be given to the numerous voluntary associations (known as Discharged Prisoners' Aid Societies), yet here, again, experience showed but small success in dealing with female criminals, which was largely due to the fact that women visitors or agents were not employed. He further considered that more efficient measures should be adopted by the Government for the information of prisoners of both sexes after discharge. The efforts of Prisoners' Aid Societies were to a certain extent seconded by the Legislature, by means of the gratuity allowed to the prisoner on discharge. But there was no guarantee that *all* prisoners on being liberated would have the opportunity of reform afforded them; and in many cases the amount of gratuity was not adequate to enable the voluntary Aid Society to carry out its benevolent purposes. Thus, to leave the prisoner to the chance of being cared for or not, after the stain of imprisonment had been passed upon him, was not in harmony with sound economy, nor with the feelings of humanity. However important the consideration of the prisoner under trial and during imprisonment, the third stage, after discharge, was no less so, being the period best suited to the exercise of philanthropic effort. The 'rehabilitation' of the prisoner, in its widest sense, is the end at which all systems of discipline should aim; and, in pursuance of this, some comprehensive plan of moral and material assistance to prisoners after discharge should be embodied in the criminal legislation, to become as definite a part of the general system as are the trial and imprisonment of the offender. As a first step towards

this, Government should require a Prisoners' Aid Society to be attached to every prison, and that governors of prisons should cordially promote the objects of such associations. In conformity with these views, the following resolution was carried:—
'That in the opinion of this Section, the State has not sufficiently considered the condition of the prisoner (male and female) after discharge with a view to restoration to a life of virtue.'

XXII.—*What are the best means of repressing criminal capitalists?*¹

Mr. Serjeant Cox (Middlesex) said there were two ways in which the difficulty relating to the reception of stolen goods could be met: by making it more difficult for the thief to sell them, and more dangerous for the thief to buy them. In this country a great improvement had lately been made in the law, by requiring a more strict observance of rules in the dealing with property which young people were most frequently found selling. What had been done, and the success which had attended the experiment, might induce us to carry the principle further, and to apply it to the sale of other things besides metals. Small quantities of these, exposed outside houses and buildings, were constantly being stolen by boys, and a short time ago the law increased the minimum quantity which marine store-dealers might purchase. The result was, that in the county of Middlesex within a given time, the number of crimes had been reduced to ninety-three as compared with sixty-four in a former corresponding period. If we could extend that principle to some other articles, and prohibit shopkeepers purchasing from children under a certain age commodities of any kind which they were not likely to have acquired rightfully, and if we could also limit the hours in which marine store-dealers might be dealt with, very much good would probably ensue. In his own court, in order to make criminality more dangerous for the receiver than for the thief, he had laid down a rule which he carried out inflexibly,

¹ The discussion on this question was opened by a paper by Mr. Edwin Hill, which will be found in Part III.

which was always to give the receiver double the punishment he gave to the thief. It had become known that he acted upon this rule, and there had lately been a manifest diminution in the number of receivers had before him. If this rule were universally carried out, receiving would be regarded as a much more dangerous employment, and the limitation of the number would increase the check we could keep on those that remained.

The Hon. J. R. Chandler said that in the United States the owner of the stolen property could always claim it wherever found, and the person in possession must account for that fact or be punished. Twenty or thirty years ago the term 'disorderly house' had a very narrow meaning, but now it meant a house or room in which any unlawful or improper act was done; and a house where persons assembled to dispose of stolen goods would be dealt with as such. In America there was a class of capitalists who made it their business to use their funds, not merely to buy stolen goods, but to teach and encourage theft, to maintain the young rogue until he had acquired proficiency in his art, and could so more largely minister to the means of this kind of banker to him. For these he would couple with imprisonment a little of the punishment which is absolutely necessary under particular circumstances. There was another class of capitalists who sometimes grew rich on the ruin of one sex, and how to deal with them he did not know. When caught, they ought to be hung.

Colonel Ratcliff (Birmingham) said it was true that if there were no receivers there would be no thieves; and hence, when there was a theft, we knew how the property was most likely to be disposed of. We know too well that thieves were encouraged by the great facilities there were for the disposal of stolen goods. The encouragement thus afforded became alarming in places where metals were generally distributed through workshops. He had frequently heard it stated by the police that it was an advantage rather than the reverse to know the houses in which thieves congregated, because this knowledge assisted the police in finding men when they wanted them, which it would be much more difficult to do if the houses at which they were known to meet were scattered all over a town. It was next to impossible to say to the inspector of

houses that they must be closed because men who were known to have been thieves were living in them.

Mr. Clarke Aspinall (Liverpool) wished to correct the impression concerning the defective character of the English law, which would be derived from the statements of Mr. Edwin Hill. The restoration of stolen property did not exculpate the thief; and the law here was very much the same that it had been stated to be in America. The legal facilities for dealing with receivers of stolen property were not what they ought to be; but the matter was not so difficult as had been suggested by Mr. Edwin Hill. The Recorder of Liverpool punished receivers not only twice, but often seven times as much as thieves. It was no uncommon practice to give a juvenile offender a short sentence for stealing, and to give the dastardly receiver, the tempter to the crime, penal servitude for the first offence. We had a motto here, which he hoped was of general application, that every man's house was his castle; it was impossible to invade a private house except by special warrant, under special circumstances; but all public houses which were licensed by authority were open to police visitation, and this gave the police a large control over the gathering of thieves to conspire against society. We had an admirable system, possibly capable of extension, by which marine store-dealers were licensed and compelled to enter in a book, subject to police inspection, every transaction in metals and property of that sort which children were tempted to steal from the facility with which they could turn such property into money. Our pawnbroking establishments were not by any means an unmitigated evil. They were a necessity for the banking convenience of the poor, and they were subject to police supervision, with a view to the detection of crime. It was but fair to say that pawnbrokers, as a rule, facilitated the action of the police, and did not retard it. In Liverpool, he did not think so many receivers went scot-free as the paper would indicate. Proper judicial severity and astute police supervision precluded the probability of Liverpool being victimised by receiving houses in the manner suggested; although the condition of things in Liverpool is bad enough, it is not so bad as that. There was another department of the subject which is scarcely within the meaning of the question as stated; but if it was wrong to steal, and still worse to receive,

so, if it was wrong to be a prostitute, it was still worse to keep a brothel. This was a subject which he trusted would be handled vigorously before the Congress closed. Men do indeed require to be taught that of all criminal establishments none are so criminal, so degrading, so wicked, so universally patronised, even by people calling themselves respectable, and characterising themselves as men, as those abominable sinks of iniquity which were a scandal to civilisation, and which were as ruinous in their character as criminal capitalists' establishments, which only dealt in wretched money and trinkets, while these criminal capitalists' establishments dealt with the souls and bodies of our sisters.

XXIII.—*Ought all penitentiary systems to exclude all kinds of corporal punishment?*

M. M. S. Pols (the Hague) said the question was not the abstract right of society to inflict corporal punishment; it was whether a certain kind of punishment was consistent with an efficient penitentiary system. This was not a sentimental question; it concerned the true interests of society and of the State. It was not out of sympathy with ruffians, but it was out of sympathy with honest people that he urged the total abolition of corporal punishment. It was his conviction that it was wholly inefficient as a means of social defence; that it engendered cruelty; and that it was far more injurious and degrading to society which imposed it than it was to the criminal who suffered it. In former ages, the aim of punishment was twofold: to prevent injury being done to society or to individuals, and to strike terror in the hearts of evil-doers. The sagacity of lawgivers was exercised to discover new means of torture and new modes of suffering which could be inflicted on wrong-doers. True, among the aims of punishment was mentioned also the reformation of the criminal, but the sole method of reformation was to make the criminal feel the disagreeable consequences of his crime so much as to induce him not to transgress again. How utterly wrong was such a conception of the aims of punishment; how utterly futile was such

a conception of reformation none would be disposed now to question. It would be absurd if in a penitentiary Congress we had still to argue that revenge and terror could be admitted as aims of punishment, or that by reformation was meant, not the fear of punishment, but the abhorrence of crime and its moral consequences. No doubt punishment inflicted suffering—it would not be punishment unless it did; but in inflicting it we must at the same time look at the influence it would have on the criminal. At present it was a great principle of penitentiary reform to admit only those punishments which might result in reformation; and to obtain these we were constructing, at an immense expense, prisons on a new model, that we might, by education, by fostering the moral and religious feelings of the criminal, by teaching him the love of order and of labour, by trying to increase his sense of responsibility, his self-restraint and honour, resuscitate the man. To do that we had to make our way to the understanding; but we could not get to it by means of the lash. It was said there were some so hardened that it was impossible to get to their understanding except by blows. He could not understand how any one who meekly submitted to the lash could be regarded as beyond the reach of moral suasion. The criminal, expecting punishment, hardened himself against it; what startled and struck his mind was kindness—being treated like a man, and not like a beast. To the worse treatment he had been used in former life, and it was new to discover that the men whom he recognised as intellectual and moral superiors, and whom he knew to be called upon by law to inflict punishment upon him, were not actuated by hatred, revenge, or cruelty, but, while strictly enforcing the law, were disposed to treat him like a man, and not like a beast. The popular feeling which called for the infliction of corporal punishment, stripped of all well-sounding phrases, was based on these grounds—horror of crime, fear of its repetition, revenge, and the wish to strike terror into others—sentiments which no one dares proclaim as the basis of penal law. It was a common saying that violence breeds violence, harshness engenders hatred, hardness excites to revolt, and a harsh manner produces harsh measures. He would reverse the last phrase, and say harsh measures breed harsh manners. In Holland, though flogging had never been formally abolished in the army, it had

not been resorted to for forty years, and since it had ceased a remarkable decrease of insubordination had been observed. A similar result had followed the prohibition of flogging in the prisons during the last twenty years ; there had been a sensible diminution of disciplinary prosecutions. He might be told that what was good for one country would not be good for another, and that the people were different. In former days in Holland, when torture was resorted to by way of punishment in the schools, in the army, and in prisons, murder, highway robbery, and crimes of violence prevailed, and were of daily occurrence. In the latter part of the last century, the public voice was raised against flogging as a means of education, and for sixty or seventy years all corporal correction had been prohibited in the schools. The generations that grew up under the new system gradually lost that harshness and cruelty of manner which formerly it had been believed to be impossible to keep down without the lash and the rod. Gradually corporal punishment came into disuse, and now it was discredited throughout the country. It had been abolished in the vast Indian possessions of Holland. Without crediting its abolition with the rarity of crimes of violence, inclusive of wife-beating, it had a large share in bringing about the happy condition of Holland. What was true of the Netherlands he believed to be equally true of other Continental States ; and he could only ask, Would the same system have other results in England ? He might be told of a difference of race ; but what was the experience of Anglo-Saxons in Canada and the United States ? Were their ruffians less hardened and less dangerous than those of London ? Did the latter alone require corporal punishment to keep them down ?

Sir Walter Crofton repudiated the assumption that Englishmen were advocates of the general application of corporal punishment. All that they wished was to retain the power, in order that they might never have to exercise it. The knowledge of the fact that the power existed prevented the necessity of resorting to it. Governors had not the power of administering corporal punishment ; it could be given only on magisterial sentence. It was a very exceptional thing to have a man flogged in the gaols of England, and every other punishment was exhausted before flogging was resorted to. It was possible,

as had been asserted, that Mr. Sheppard had governed Wakefield prison without the use of the lash ; but there was the power to use it ; and that was the strong point of the case. In countries which had abolished flogging, other punishments were resorted to ; and if a substitute free from objection could be suggested for this country he should be glad to hear of it. We should be glad when education enabled us to dispense with even the exceptional use of it. Every magistrate and governor of a gaol had a horror of it. Still all clung to the necessity of retaining the power to inflict it.

General Pilsbury (governor of the Albany Gaol, New York) said he was no advocate of corporal punishment. After his long experience he should be glad to say, if he could, that all might be governed by moral suasion ; but there would always be a few that it would be necessary to treat with severer discipline. His experience had convinced him that no gaol could be well and safely governed unless the chief officer had vested in him ample power to inflict special punishment whenever prisoners deserved punishment for disobedience and disorderly conduct. It was quite visionary to suppose that any government of men, in prison or out of it, could be effective, unless there was the power of reward and punishment. What punishment were prisoners to fear unless the chief officer of the prison had power to inflict it promptly, summarily, and, if need be, severely ? It was essential that the chief officer of a prison, and he alone, should have such power. It should not be entrusted to a subordinate ; and if the chief officer was not fit to be entrusted with it, he was not fit for his place. When all prisoners were made to understand that there was one over them with power to punish misconduct, and reward good conduct, the occasion for punishment would seldom arise ; the knowledge that such a power existed would prove sufficient of itself to enforce discipline. As to the kind of punishments which should be inflicted in prison, it was almost impossible to prescribe them definitely. They must be left, in a great measure, to the discretion of the prison authorities, with the restriction that they must not be cruel or unusual. Prisoners, like other men, differed much mentally and physically, and offences against prison discipline also varied in degree, so that no uniform mode of punishment would be either fair or

efficacious. The feeling which had been awakened against any punishment in prisons had grown out of the improper practice of some institutions in permitting punishment to be inflicted by subordinate officers, many of whom, not fit to be entrusted with any power whatever, had acted from passion, and without any serious sense of responsibility, which rested on the chief officer alone. In any well-regulated prison there was little occasion for punishment, but no prison could be well regulated unless authority to punish violations of discipline were known to exist.

Colonel Ratcliff wished it to be understood that corporal punishment was seldom resorted to in this country, and that only with the sanction of the visiting justices. Five or six years ago it was scarcely safe to walk the streets at night for garotters. An Act was passed visiting robberies with violence with corporal punishment; and as soon as it was known that garotters were likely to feel the severity of the lash, we heard little or nothing about garotting. There was a certain class of men who could only be approached and made sensible of the wrong done in violating the laws of their country by means of such severity.

Dr. Marquardsen (Bavaria) thought the Continental evidence of what had been accomplished without the power to inflict corporal punishment furnished a stronger argument than the alleged maintenance of discipline by the existence of power which was seldom exercised, which was a method of reasoning he could not accept. Public opinion in England had been unduly influenced by the garotting panic, but for which it would have kept pace with that of the Continent on this question. The defenders of the Continental view had made out their case; but, in his opinion, the advocates of corporal punishment had not made out theirs.

Sir Walter Crofton wished to explain. He had been understood to say that though we in England retained the power we never used it. What he did say was that we resorted to it in exceptional cases, and that it was the exceptional use, and the certainty of it, which prevented the necessity for its more general use.

XXIV.—*What ought to be the maximum of imprisonment, cellular or otherwise, for terms less than life?*

Dr. Marquardsen (Bavaria), who opened the discussion, said the question was not so much one of principle, as of adaptation to local circumstances. Assuming that imprisonment for life existed, and regarding it as a substitute for capital punishment where that had been abolished, then the next term ought to be for such a number of years as would not come up to nearly the natural term of life, but would leave a considerable interval. He would say that the maximum ought to be fifteen years, with the possibility of reduction for good behaviour. He believed the general opinion in the Congress would be that, even though in exceptional cases we inflicted punishment for life, in all there ought to be a place of repentance left to the prisoner, and of hope for the reward of good conduct. Life sentences might be remitted for the maximum sentence below by the exercise of the royal clemency. Another principle he wished to lay down was, that the character of punishment, as to mildness or severity, as well as the term, should vary according to the heinousness or the veniality of the offence; and the term should have relation to the more or less severe character of the punishment. The principle of regulating punishments prevailed in different countries on the Continent, which was so far proof that it was considered to be right. He understood that in England the judges had the power of ordering simple imprisonment for a maximum of two years, and if they went beyond this and passed a sentence of penal servitude, it must be for five years. This seemed to be a large gap, and he thought it would be more reasonable to have a larger term of simple imprisonment. Perhaps our arrangement was due to the former existence of transportation, for we could not very well send a man out of the country for two or three years. It was possible for England to make a great improvement by adopting systems carried out elsewhere, and lengthening the terms of imprisonment for offences of a venial character and to shorten the terms of punishment for some of the more serious crimes. But, as reformatory treatment required time, no term of imprisonment should be so short that a prisoner might leave prison worse than when he entered it. He stated that in

Germany cellular imprisonment was generally limited to three years.

Dr. Frey (Austria) maintained that Government ought to retain the power of preventing persons from repeating their crimes by imprisoning them for life. In Austria, the term of isolated confinement did not exceed three years, while the longest term of imprisonment was twenty years.

M. Stevens (Belgium) said it had been found ruinous to the State, and prejudicial to the prisoner, to keep him all his life in prison. Secondary punishment had been reduced to twenty years' imprisonment; and, under the new system, it had been again reduced to ten years, or nine and a half, when, if a man was no better for isolated treatment, he was subjected to collective treatment. It was not found that prisoners suffered in mind or body under the isolated system, any more than they did under the collective system.

Mr. Moncure said that in the Perth prison it had been found that cellular confinement for more than three years produced insanity, notwithstanding that the prisoners had employment and communicated with chaplain, magistrates, and officers.

Baron Mackay (Holland) said that in Germany and Austria it appeared that three years was adopted as the maximum term of cellular confinement. He was told that in Baden it was formerly six years; but the term was now reduced by the German new code to three years. In Holland, cellular confinement was adopted in 1851, for a maximum of half a year; the term was increased first to one year, and then to two years; and the opinion of those most acquainted with it was in favour of going on with it. As soon as the number of cells was sufficient, the term would be extended to three years. Here, again, Continental experience seemed to be opposed to that of this country, where the period had been reduced to nine months, because longer solitary confinement affected the health of prisoners.

Dr. Marquardsen, in reply to a question, said that in Germany cellular confinement meant exclusion from other prisoners, which was carried out at divine service and in school. The prisoners were frequently visited by officials, governor, doctor, and clergyman. Every care was taken to keep up the spirits of prisoners by reading and teaching. Men had stayed

in cellular confinement for ten, twelve, and thirteen years, by their own choice, when at the end of six years they might have gone into the associated ward; and these men had kept their mental and bodily health, and had returned to society thoroughly reformed.

Mr. Ancrum described the cellular system as carried out in a county prison. For the first three months, during six hours a day, a man was on the treadmill, where he saw his companions. After that time, if he could undertake industrial employment, such as weaving or mat making, he passed the remainder of the year in those occupations. He was not absolutely secluded, because he went into the prison to assist in cleaning it and carrying coal; and this led him into contact with his fellow prisoners to a certain extent. Of course he might be secluded; but in that case he received frequent visits from the task-master, the officers, the chaplain, and the visiting justices, and he was allowed books to read. No prisoner suffered in health from being subjected to this kind of seclusion for a year and nine months.

Sir Walter Crofton's experience would not enable him to express an opinion as to the maximum of cellular imprisonment. He could only refer to carefully-made experiments at Pentonville, which seemed to show that separate confinement could not be adopted with advantage for a longer period than eighteen months. Sir Joshua Jebb stated before a committee that, though at one time an advocate for separate confinement, he considered that eighteen months was the longest period for which it could be safely maintained; and he came to that conclusion after lengthened and minute observation. We further had the results of this practical test. Selected men, after being kept in solitary confinement from two to two and a half years, were put on board hulks to be taken to the Colonies, and on their arrival the reports of the surgeons respecting them were particularly unsatisfactory. They were supposed to have suffered to some extent in their minds, and their wills were broken down. It was such reports as these that caused the reduction of the term of cellular confinement to nine months.

XXV.—*What should be the treatment of prisoners before conviction?*

Count de Foresta (Italy), in introducing this subject, said he was entirely opposed to isolated imprisonment before conviction, unless indeed there were good reason for supposing that a prisoner by communication with others might defeat the ends of justice in his case, in which event he ought to be put in solitary confinement. In any case it must be conceded to him if he wished for it himself. You ought not to compel a man who was still deemed innocent to associate with others in a prison against his will. It was a hard necessity that a man should be put in gaol before he was condemned.

The Rev. C. E. Collins (of Trewardale, Bodmin) said he thought the frequency of imprisonments, and especially before conviction, might be largely reduced. He was painfully convinced that the lightness with which imprisonment is now resorted to deprived it of much of its deterrent effect by so familiarising the public mind with it as to deprive it, among many of the humbler classes, of nearly all sense of shame, and also of the additional force the imagination would give it if authority, by resorting to it only as a last extremity, made it clear that it regarded imprisonment as, in itself, a grave punishment and disgrace. The suggestion he would offer was, that in all cases at present bailable, a system of personal bail should be substituted for a money bail. Instead of, as now, a man and his sureties forfeiting a certain sum of money, in cases of failure to answer to his recognisances, he should, in case of non-appearance one clear day before that appointed for the trial, render himself liable to suffer a forfeiture of personal liberty, and the other attendant penalties to the utmost extent, that the offence charged against him would involve if he surrendered, were tried, and found guilty. By rendering him thus liable, in case of default, to the extreme penalty legally applicable to his alleged offence, his attendance on the day of trial—the only plea on which detention before trial could be defended—would be secured even more effectively than by the present system of bail, inasmuch as no sane man would expose himself to a certain and extreme penalty when by surrendering he would have all the resources of escape which a trial affords,

in defective evidence, the obtuseness of juries, or, as matters now stand, the obstinacy of one of their number, and even if convicted, of the leniency of the judge. The proposed plan had this additional advantage, that it put the poor man, now often unable to obtain sureties on a sudden, on a level with his richer neighbour. Other advantages of this plan were as follows:—First, the effect it would have in gradually imbuing the public mind with the idea already alluded to, that imprisonment is *per se* a great punishment to be sedulously avoided, and in itself a disgrace, independently of its concomitants of other pains and penalties. Next, equally with our present system, it would save many an innocent man from false imprisonment. It was in accordance with true English regard for liberty of the subject. It particularly accepted the equally English maxim, that every man should be regarded as innocent until proved guilty. Economically, it would save the cost of the maintenance of accused persons in prison, and of wives and families during the constrained absence of the bread-winners. Lastly, it would eliminate one serious element that affected the uncertainty of punishment. The length of a sentence was often materially influenced by the length of previous confinement, but the non-appearance of this fact in newspaper reports of sessions and assizes often gave an appearance of inequality of sentence or caprice of judgment, which had a most injurious effect on the public mind.

M. Stevens remarked that, in most countries, there was no formal distinction between those who could and those who could not pay; but those who could afford to purchase small luxuries were allowed to do so. In Belgium before trial all were well accommodated, and, if able, were allowed to purchase small luxuries, the only object being to secure the safe custody of the accused until their trial.

Mr. Pownall (Surrey) said that the bench with which he was connected anticipated the question now under consideration. On the ground that every man was deemed to be innocent until he was proved to be guilty, and that an undue stigma was cast upon a man by sending him to prison before trial, the magistrates built a House of Detention, for the reception of persons committed for trial. Here they were secluded, so that, in the event of their acquittal, they had not

formed the acquaintance of habitual criminals ; and further, no one could taunt them with having been in a prison. In the House of Detention a prisoner could see friends daily, and a solicitor at any time ; prisoners could also purchase their own provisions if they desired to do so ; and if they were too poor to do so, they were supplied with provisions from the store of the prison. In this way the justices had met the objection to sending to prison anyone who had not been tried for the offence of which he was accused.

XXVI.—*Is it in the interest of the prevention and repression of crime that treaties of extradition should be concluded between civilised nations ?*

Dr. Frey (Austria) introduced this question briefly, on the second day devoted to the reception of official reports. He maintained that the negotiation of treaties between civilised States for the extradition of criminals ought not to be influenced by political considerations. There could be no doubt, he said, that the absence of such treaties constituted a temptation to criminals, who knew that they could commit a crime and afterwards enjoy immunity from arrest in a neighbouring State.

[No discussion followed.]

XXVII.—*Penitentiary Systems. Report by M. Victor Bournât (Paris) of the Proceedings of the Section in which the various Penitentiary Systems of Europe were explained, and their Merits and Results discussed.*¹

M. Loyson (Representative of France) was appointed President of the Section composed of eminent men from all parts of Europe and America. In a short address he clearly and pre-

¹ This was a section which sat for two days, and in which French only was spoken. This sketch not only gives a much more lively picture of the discussion than an ordinary report, but is a good specimen of the method of official reporting which the Continental members of the Congress preferred, as one to which the habits of Continental legislatures and societies had accustomed them.

explained the programme to be carried out, and, to the action of all, he limited the various speakers to it.

President said the right of punishing those who transgress the laws incontestably belongs to Governments; but they reproached with making a bad use of it, and with not standing either its principle or extent. The criminal influenced is a being composed of a material organization and to an immaterial principle, which plays so important a part in his life, in his relapses into crime, and in his moral reformation, that it ought to receive serious attention. Blackstone forcibly said that 'man's reformation cannot be effected by a mechanical process.' All that generous-hearted and distinguished men have accomplished in Europe and America during the last thirty years has awakened the public conscience, and made men understand that prisoners cannot be deprived of their moral character; and that the more a penitentiary system renews in a feeling of duty and of self-respect, the more it merits attention and support. The different systems of Europe and their results will be explained by men distinguished for knowledge and position; and they will reply to all questions proposed to them. This international enquiry will, without doubt, greatly contribute to the progress of penitentiary science.

Walter Crofton was now requested to address the meeting on the subject of the system in use in Irish prisons. He said the experience of seventeen years had convinced him of the excellence of the system introduced by him into Ireland. In 1833 he began to apply his system. An Act of Parliament had just been passed which substituted conditional liberation for transportation. There was a great panic in England, a still greater in Ireland. This new plan seemed to threaten public safety. Sir W. Crofton was now named director of prisons in Ireland. His experience as a magistrate had prepared him to enter this office with advantage. In his opinion, punishment should have two objects—the reformation of the culprit, and the representation of an example or warning to the public. He should be reconciled to society, and yet his punishment must be exemplary. He should first expiate his crime, then be prepared for re-entrance into the world. At Pentonville, where the prisoners are submitted to absolute cellular imprisonment, opportunities are wanted to observe the change produced in them

after incarceration. Sir Walter Crofton resolved to combine the advantages of the cellular and collective systems. He first endeavours to make the criminal feel that his punishment is not simply afflictive, but also reformatory. To stimulate him in his reformation, he mingles hope with punishment, and by a system of classification shows him that his lot is in his own hands. This classification is the result of a system of marks awarded for intelligence, work, and zeal. They are not given as a reward for mere intelligence, for the most criminal are oftentimes intellectually brightest, and would thus be most rewarded. The first thing to be aimed at, is to give the criminal a liking for work; for generally idleness led him to crime. But work will give him no pleasure unless he is remunerated for it; and in order that it may not hinder his moral reformation, it must be isolated work in a cell, where he will be more open to religious influences, which are the great means of improving his character. After a certain time passed in a cell, when strengthened and comforted by the visits of the minister, he will live in common with other prisoners. During his treatment on the collective system, the change effected in his character can be appreciated, and he is rewarded by the distribution of marks. He is now arbiter of his own lot, and can only get into a higher class by diligence and zeal. Lastly, when he has given sufficient guarantees of good conduct, he will pass into an intermediate prison, a sort of purgatory between the hell of imprisonment and the paradise of liberty. These intermediate prisons, in which the prisoners enjoy a semi-liberty, have produced excellent results. Those living in them conduct themselves as free workmen. The results of this progressive system are now known. We have observed the conduct of those liberated from the intermediate prison. It has been excellent. It happened that conditional liberations were suddenly abolished. It was thought that this would be a fatal blow to the whole system. It was not even shaken. The sudden abolition of conditional liberation was the consequence of the panic produced by the presence of bearers of *tickets-of-leave* in the midst of society. The granting of such tickets was immediately prohibited. This temporary prohibition, however, left great difficulties, arising from the fact that hereafter, in the prisons, there would be two classes of prisoners;

those from whom the new law had not taken the hope of obtaining their conditional liberty, and those who, being sentenced during the time this law was carried out, were deprived of this precious stimulus. Sir Walter Crofton's system has, however, still continued to produce excellent results. He presented papers relating to 120 liberated prisoners who had conducted themselves well. This system is everywhere easily applied. Thus in Ireland, at very little expense, Sir Walter Crofton transformed a tavern into a cellular prison. The making of each cell cost only 15*l.* sterling. In concluding his explanation, Sir Walter Crofton spoke of the supervision of the police instituted in England in 1864, and affirmed that he saw no objection to it.

In reply to MM. Pals and Stevens, Sir Walter Crofton added that his system applied to sentences of five years and upwards. Before his arrival in Ireland, prisoners were sentenced to penal servitude for three or four years. This was too short a term to enable the system to produce good results. A minimum of five years was therefore adopted. Those sentenced for shorter periods undergo their sentences in town or county prisons.

M. Pals asked if purely penal labour, such as the treadmill, was allowed in the prisons of Ireland. Sir Walter Crofton replied that the treadmill and other forms of penal labour were prohibited. There are, however, some hard kinds of industrial work, as splitting and picking ropes, which are regarded as labour of a penal character.

M. Pals asked why they had not established intermediate prisons in England. Sir Walter Crofton replied that the houses of refuge for liberated women in England were really intermediate prisons. He added that in this country it would be difficult to open similar establishments for men. How could men be retained in such prisons in England when their wages would only be one or two shillings per day, whereas in free life they would easily earn from five to seven shillings per day?

Count Sollohub inquired whether escapes were frequent among prisoners conditionally liberated. Sir Walter Crofton replied that they very rarely occurred, particularly since the establishment of police supervision.

M. Berenger asked in what this supervision consisted. The

reply was that every month the man under surveillance has to present himself to the police, to state where he lived and what he was doing. If he failed to present himself, he was arrested. In London and Dublin, in addition to this police supervision, there are Prisoners' Aid Societies in operation. M. Berenger now asked if these attendances before the police did not compromise those supervised in the eyes of the people. Sir Walter Crofton replied that this objection had often been made; but his long experience, the reports of chaplains, the declarations of prisoners, did not lead him to attach weight to it. The purpose of surveillance is, moreover, the protection of the prisoner. Thus, on one occasion, a police agent bore witness in favour of a liberated prisoner who was falsely accused. The result was, that in the county where this took place surveillance was favourably regarded.

When the prisoner conditionally liberated is again apprehended, where is he sent? This question was put by General Annenkoff (Russia). Sir Walter Crofton replied that he was re-committed to the prison from which he was liberated, and where he is to resume his education.

General Annenkoff wished to know whether the emigration of the Irish to America was not a hindrance to getting correct statistics as respects recidivists. Sir Walter Crofton replied that he had never encouraged the emigration of those liberated, that it was evident such emigration prevented the exact number of recidivists being computed; but he declared that he had correct information concerning those who had not emigrated. Besides, there is one important fact, namely, that the number of prisoners in Ireland has diminished. The Irish system does not stop the production of recidivists, yet it is very favourable to the moral reformation of the prisoners.

In reply to Baron Mackay, Sir Walter Crofton said recidivists were again submitted to the Irish system; the surveillance of the police was compulsory for prisoners liberated on probation, but they are not subject to it when they conduct themselves well.

Dr. Wines asked what consideration was shown to prisoners on their arrival in the intermediate prison. Sir Walter Crofton said they were treated with respect and confidence, and that their conduct elsewhere justified this treatment. He cited for

example this fact, that in a certain prison some one of the prisoners was entrusted each week with the communications outside the prison; in seven years only one had returned in a state of intoxication.

M. Stevens next asked in what part of the Irish system the afflictive side of punishment was found. Sir Walter Crofton answered that the commencement of the punishment was severe, and sufficiently satisfied the idea of repression. He added, in reply to another question of M. Stevens, that everything is done to prevent any moral injury to the prisoners during their associated imprisonment.

M. Jaillant asked if charitable persons were allowed to visit the prisoners. Sir Walter Crofton replied in the affirmative.

Baron Mackay wished to know what this system cost the State. Sir Walter Crofton acknowledged that less costly prisons could be obtained, but, if successful results are required, the financial question must not be too much regarded.

In reply to a question of M. Berenger, he added that in the Irish prisons there was a warder for ten prisoners.

Dr. Guillaume asked if the second education given to recidivists was effectual in securing their reformation. Sir Walter Crofton replied that the prisoner who has relapsed after his liberation from the intermediate prison is not allowed to return there again. He can only be admitted in the first instance when he has obtained a sufficient number of marks. Dr. Guillaume then inquired what became of those sentenced to imprisonment for life. Sir Walter Crofton answered that after ten years' cellular imprisonment with hard labour, they are imprisoned in common in a special prison, and after twenty years their fate is determined by the Government.

Major Du Cane afterwards explained the system applied in the prisons of England.¹

The President, M. Loyson, asked what was the state of public opinion in England on tickets-of-leave. Major Du Cane replied that when crimes were numerous, people were frightened at the number of men with tickets-of-leave; but when crimes diminished they again found favour. He further added

¹ Part of this explanation is omitted, and the reader is referred to Major Du Cane's fuller account in Part I., under the head 'England.'—Ed.

that the public was in error as to the number of men with tickets-of-leave; it was thought they amounted to 10,000, whereas in all England there were only 1,500. This number of men conditionally liberated does not sensibly influence the number of crimes. Moreover, they have obtained freedom only a certain time before the period fixed by their sentence. Because they are liberated a year earlier, they cannot be more dangerous to society.

Count de Foresta asked what became of those sentenced to imprisonment for life. Major Du Cane said that after twenty years' cellular imprisonment, the Secretary of State granted conditional liberty.

With reference to recidivists, in 1870, out of 1,900 liberated prisoners, 400 had relapsed. The previous year the number of recidivists was only 350. The increase in 1870 was due to a law passed in the course of the year, which augmented the powers of the police. Moreover, in Major Du Cane's opinion, the number of recidivists is not an evidence of the value of any system of imprisonment. He thinks that, to the very threshold of paradise, men will be liable to fall and re-fall; he even says that his ideal would be to see a hundred per cent. of recidivists, for this would demonstrate that it is always the same men who commit crime, that the social plague, far from extending itself, was really limited and localised.

Dr. Guillaume asked if, in English prisons, the prisoner could learn a trade. Certainly, answered Major Du Cane: out of 2,200 prisoners apprenticed to the trade of a mechanic, 1,600 learned it completely. It is one of the great advantages of public works on which prisoners are occupied, that they enable the prisoner to thoroughly learn a useful trade. It is evident that they cannot be allowed to continue in prison the trade they partly learned before their imprisonment. A trade must therefore be found for them. Before their imprisonment they were in reality thieves, vagrants, and itinerant hawkers.

Count Sollohub inquired what rate of wages was allowed the prisoner. It was replied, that it depended on the class in which he was placed. There were three classes. There was, however, a maximum, which could not be exceeded. This maximum has already been stated, namely, 3*l.* sterling. It has been thought that the public would be opposed to too large a

grant to a prisoner at the time of his liberation. Dr. Frey asked if the prisoner could remit money to his family. No, replied Major Du Cane; the object was merely to give the prisoner a sum sufficient to support him during about the first month of his freedom. This money, moreover, was not given directly to himself. He received it through a Prisoners' Aid Society when he requested its assistance and protection: otherwise, the police are requested to give it him in small sums. He in no case receives the whole at one time. Baron Mackay was surprised the prisoner was not allowed to send money to his family and friends. Major Du Cane considered such remittances would have a bad effect on public opinion. In reply to another question of Baron Mackay, he said that the only basis of classification of prisoners, as regarded reward, was their own good conduct and diligence.

Dr. Frey inquired if the classification adopted for rewarding the prisoners causes much difficulty or complaint. Major Du Cane said that the prisoner passed every year from one class to another, on condition, however, that he gained a certain number of marks. Moreover, when a prisoner is not satisfied he can appeal to the governor, and from his decision he can appeal to the director, who is completely impartial. Dr. Frey then asked if such appeals were frequent. Yes, Major Du Cane answered. The prisoners are not sorry to get an interview with the director, who never refuses to see them, because he believes it is one means of giving them a feeling that the prison administration is impartial. Major Du Cane was himself sometimes to see 100 prisoners during one visit. The prisoner who is not satisfied with the decision of the director can even carry his complaint to the Secretary of State. If the statements made by the prisoner are false he is liable to a disciplinary punishment.

Count de Foresta asked if it was not desirable to place all prisoners under one central government. Major Du Cane said, in England there was a strong feeling in favour of independent local authority; he said further it would be difficult to find a just mean between the views of those who supported centralisation and the actually existing decentralisation. There were, moreover, in England too many prisons. There could be

found for example, in the same town, two prisons—that of the county and that of the town itself—subject to two different administrations, whereas a single prison would contain all the prisoners sent to both.

To some other questions of Count de Foresta, he replied that he did not wish to prolong the period of cellular imprisonment, that he was in favour of a system of imprisonment a little more progressive, in order to prepare the prisoner for re-entrance into free life. He added that transportation had been definitely abolished in England.

Questioned on the system adopted in county prisons, Major Du Cane said that, according to law, the prisoners in them should be employed in penal labour for the first two months, then in industrial labour; that there is a particular system in each prison; that generally prisoners are subjected to the cellular system by day and night; that they receive a part of their earnings, and have to undergo the whole of their sentence.

M. Jaillant next enquired what system was pursued with regard to those awaiting trial. Major Du Cane answered that it varied in each county. M. Bournât asked if the members of Prisoners' Aid Societies are permitted to visit the prisoners, and if any Commissions of Surveillance exist. Major Du Cane replied that no stranger is allowed to visit the prisoners, and that the authority of the Government is absolute.

Young criminals are placed in reformatory schools, inspected and subsidised by the State.

In reply to Count de Foresta, Major Du Cane said the minimum period of penal servitude was five years; the maximum was not defined, as the sentence might be for life. In the same way for short imprisonments under two years, there is no minimum.

Between the maximum of two years' imprisonment and the minimum of five years' penal servitude, there is no intermediate punishment.

Count Sollohub afterwards explained a complete system of penitentiary treatment full of novel views and original ideas. Want of time prevented him from finishing his explanation, but he purposed resuming the subject in a pamphlet, which would be distributed to the members of the Congress. This not lengthy, but forcible pamphlet is well worth reading, par-

ticularly as the author had not time to give an entire exposition of his system.

The system followed in Belgium was explained by M. Stevens. He attacked other systems with *naïveté*, and defended his own with ardour. M. Stevens himself felt that it was difficult to summarise the fundamental ideas of a system supported by the authority of his experience and his deep convictions. That he did not wish to give his system in unpremeditated language, was certainly not because he feared a tribunal before which he had always won applause. It was rather because he desired that a system to whose application he had devoted his life should be presented to you in a kind of dogmatic form, to which he has reduced it after prolonged reflection. Hence arose the notice he has already read to you. What the author did not wish to analyse should, perhaps, not be analysed by others, and probably I ought to refer those who wish to comprehend the system followed in Belgium to the pamphlet M. Stevens has distributed. But I cannot forget that my duty as reporter compels me to give you a complete and impartial account of everything said in the section, and although I urge the reading of M. Stevens's account, I am bound to give a summary of its contents.

M. Stevens first states the motives which have caused the adoption in Belgium of the system of absolute separation of prisoners by day and night. Hence he passes in review the various systems followed in the prisons of America and Europe. He groups them under three heads: 1. *The system of complete association by day and night*. This treatment is universally condemned. It generates that corruption that imprisonment should combat and prevent. It would exist nowhere, were not a difficulty experienced in replacing it by better systems. It must, however, be acknowledged that it is found almost everywhere by the side of reformed establishments. 2. *The system of association by day and separation by night*. This system, regarded as an advance and improvement on the preceding, presents great varieties. It was introduced into Belgium in the 18th century into the central prisons of Gond and Vilvorde. At the beginning of this century many States in America adopted it; it received the name of the Auburn system, in

consequence of its application in one of the best organized prisons of the State of New York. From there the system was re-imported into Europe, and regarded as a novelty, and where it was henceforth applied. Here it is combined with a classification of prisoners based on their morality. Three divisions of them are made—the punishment division, the probationary division, and the reward division; in America the system is accompanied by certain severities, such as prohibition of all communication between the prisoners, and obligatory silence; these regulations are barbarous and absurd, and most frequently impossible to carry out without making use of disciplinary punishments, which convert the prisons into true places of torture. Another development of the system is found in England and Ireland, where the treatment is alternated with cellular imprisonment during a period more or less prolonged, and we thus have what may be called a mixed system, which has also its varieties. 3. *The system of complete separation of prisoners by day and night.* Pope Clement XI., in 1703, first applied this system at Rome in the prison of St. Michael. It was afterwards introduced into Philadelphia, and studied there by Messrs. Beaumont and De Toqueville, Messrs. de Metz and Blouet, and Mr. Crawford, inspector-general of the prisons of England. These ambassadors from France and England agreed in declaring the system excellent. The prison of Philadelphia became the model for that at Pentonville, London, for the prison of Mazas at Paris, and of very many others built in Belgium, Holland, Germany, Sweden, Norway, Denmark, and Tuscany.

Of these three systems the first has been abandoned in all countries. The choice, therefore, is left between the other two. An enumeration of the advantages of the system of separation by day and night will suffice to show the faults and defects of the other system. These advantages are of two kinds, positive and negative. 1. *The negative advantages.* In prisons for those awaiting trial this system spares the innocent the shame and danger of contact and association with criminals. In all prisons it prevents the plots and disturbances so common among prisoners in collective prisons. It renders mutual corruption impossible. It prevents the arrangements which prisoners make for association on their liberation. It removes from the liberated prisoner the danger of being recognised by some

fellow-prisoner. Finally, if it fails to reform the prisoner, it does not add to his demoralisation. 2. *The positive advantages.* No system attains more directly the various objects of punishment: repression, expiation, preventive action, and reformation. It allows the separate study and treatment of each prisoner, the variation of discipline so as to adapt it to the situation and needs of all the prisoners, and by this variation itself secures the efficacy of the punishment. What would be said of a physician who administered the same medicine to all the sick confided to his care in the same hospital, without paying any attention to the contagious nature of their diseases? Should we not call such a physician either a quack or an executioner? A variation in treatment is equally necessary for those morally and mentally diseased. Further, by the cellular system we subdue the most rebellious natures, calm irritation, and, by removing their power to do ill, place prisoners in the way of doing what is right. One of the principal advantages of this system is that it enables the prisoner to preserve the feeling of his dignity as a man and of his responsibility. This feeling is indisputably diminished by imprisonment on the associated system. Sheltered from bad counsels and companions, the prisoner has neither to fear scoffs nor threats. He is liberated from regard for men's opinions and false shame, which, in collective prisons, neutralise the noblest resolutions. If his soul is not absolutely rebellious, it will be influenced by the salutary influences which surround him. Reflection will bring repentance, and prepare the way for his reformation. As this internal reform progresses, the cellular imprisonment becomes less irksome, till at last the prisoner would regard removal to a collective prison as intolerable punishment. What other system in the same manner gains the approval of the prisoner himself? This is not all, for this system is really the extension to all prisoners of the advantage of a private room, called *pistole*, which in some prisons is very costly; it thus substitutes the rule for the exception, and in a wisely democratic spirit abolishes the class of privileged prisoners. It elevates the warder to the dignity of an agent in the work of reforming the prisoner, whose amendment he regards as the first reward of his labours. This system, in consequence of its repressive and reformatory efficacy, permits a diminution in the duration of imprisonment, and

consequently lessens the expenditure for the maintenance of prisoners. This abridgment in the time of imprisonment also breaks fewer family ties, and restores to the family at an earlier date its natural supporter. Lastly, this system is the only one which can prepare the way for the work of patronage societies, and facilitate the re-entrance of liberated prisoners into social life by lessening the repulsion they inspire on their departure from a collective prison. Is there any other system of imprisonment that presents these advantages? Suppose a person in whom you were interested were entering a prison, and that you could determine the treatment to which he should be subjected; would you expose him to the perils of a collective prison? Assuredly not. Yet if this system is good for him in whom you take an interest, it is good for all. It is the one which Belgium has adopted. A first imperfect application of the cellular system was made in 1835 in the convict prison of Gond. It was only in 1844 that it was seriously applied in the Houses of Arrest and Safety, not only to those awaiting trial, but also to those sentenced to an imprisonment of one year or upwards, where it was deemed desirable to withdraw a prisoner from contact with others.

It was thought by subjecting the sentenced to cellular imprisonment, the length of their imprisonment might be curtailed. By a special law of March 1870, in cases where prisoners undergo cellular imprisonment, its duration was diminished in the following proportions:—Three-twelfths for the first year; four-twelfths for the second, third, fourth, and fifth years; five-twelfths for the sixth, seventh, eighth, and ninth years; six-twelfths for the tenth, eleventh, and twelfth years; seven-twelfths for the thirteenth and fourteenth years; eight-twelfths for the fifteenth and sixteenth years; and nine-twelfths for the seventeenth, eighteenth, nineteenth, and twentieth years.

Those sentenced to hard labour or imprisonment for life can only be compelled to undergo the first ten years of their sentence on the cellular system.

At the end of December 1871, the number of cells in the nine prisons of Belgium was 3,468, and at the same date the total population of the prisons was 4,452. About a thousand cells are therefore yet wanting for the complete application of the cellular system in Belgium, and this deficiency will be

shortly supplied. Each cell already constructed has cost on the average 3,672·33 francs. This includes the cost of the land and buildings. This sum will appear high only to those who forget that the cellular system has diminished the duration of imprisonment, and consequently the cost of maintaining prisoners, and that especially it has notably lessened the number of recidivists. Official returns prove that in Belgium the average number of recidivists is 4·46 per cent. of those leaving cellular prisons, while it is 68·80 per cent. of those liberated from collective prisons. Lastly, M. Stevens stated this remarkable fact, that in Belgium the number of prisoners in 1856 was 7,000; the number has gradually decreased to 4,000. He attributes this result in part to the introduction of the cellular system.

I am tempted to give an animated and interesting discussion that took place between M. Stevens and his friend, M. Beltrani Scalia. Both are inspectors of prisons, the one in Belgium, the other in Italy. Equal in ardour, though from different countries and latitudes, they presented the spectacle of two friends who were resolved to sacrifice none of the principles they upheld. But I cannot forget that this discussion is not a part of the programme for the day, which embraced the explanation of the different penitentiary systems adopted in the countries represented at the Congress, and not the discussion of the various systems. I cannot, however, omit the mention of an important idea expressed by M. Beltrani Scalia, and which has already gained many supporters. He desires to see established some true basis of comparison between the various penitentiary systems. He proposes to facilitate this comparison by asking the compilers of statistics in each country to give, at the side of their statements in their own language, an interlinear translation in French, which would thus be the key of criminal statistics, as it has long been the language of diplomacy. M. Scalia has not only enunciated this idea, but he has carried it out in a magnificent volume drawn up under his own direction in Italy. This contains French translations of all the elements of criminal statistics regarding Italy. Many representatives of other countries have promised to carry out this proposal.

Count de Foresta explained the position of Italy as regards penitentiary reform. Italy, though till now chiefly engaged in securing her unity, has not forgotten to bestow attention on this great question. A Commission has been appointed by the King to prepare a code of law. Count de Foresta, attorney-general at Ancona, and M. Beltrani Scalia, inspector-general of prisons, both members of this Congress, are on this Commission. Both are supporters of the Irish system, but this is far from being unanimously upheld by the Commission, which has not yet come to any resolution. Count de Foresta also approves of transportation as practised by France. Italy has islands which may be made fertile by means of penitentiary colonies. Count de Foresta is of opinion that the lively and passionate nature of the Italians would not endure a long cellular imprisonment. To deprive a Neapolitan of chat and music would drive him mad. Movement and communication with others are indispensable to him.

In reply to an observation of M. Bournât, he acknowledged that for a long time cellular imprisonment by day and night had been practised in Tuscany; but he added that the Florentines differed in their nature very little from the French, and consequently could bear the application of the system.

Count de Foresta afterwards stated the diversity which prevailed in the different States of Italy in the infliction of punishment. He hoped these systems would very soon have only an historical interest, and consequently he gave only a general outline of them. At present, prisoners were generally imprisoned collectively in galleys (*bagnes*); they are chained, but those who distinguish themselves by good conduct are placed in agricultural colonies on the islands. Convict establishments formerly placed, as they are now in France, under the Minister of the Navy, are now under the Minister of the Interior.

M. Berenger explained that penitentiary reform was also attentively studied in France. On the proposal of Viscount d'Haussonville, one of its members, the National Assembly had named a Commission of fifteen members, giving them power to add fifteen non-members to their number, who were capable of rendering important help, and had imposed on it the duty of making an enquiry into the penitentiary establishments, and

of drawing up a report of the improvements which might be introduced into them. He said he came as deputy from this Commission, of which the President, M. Loyson, and M. Bournât were also members. He asserted they were very desirous of reform in France, and that the system now followed by the Administration presented these three characteristics: young criminals are imprisoned in reformatories; help is given to the man who commits a first crime; and, lastly, an attempt is made to get rid of recidivists. It is the last point that will give the Legislature the most difficulty.

Interrogated as to the state of public opinion in France as regards the cellular system, M. Berenger said he believed it was not unpopular. The proof lay in this important fact, that in the years immediately preceding 1848, after discussions which had excited the feelings of the people, the Chamber of Deputies had adopted the cellular system. He did not think that the Ministerial circular, by which, in 1853, the system had been renounced, could obliterate the remembrance of that great manifestation of national feeling. As regarded himself, he had no hesitation in declaring himself an advocate of the cellular system with all its consequences.

Dr. Guillaume declared what was the state of public opinion in Switzerland on the question of penitentiary reform. After various experiments, they had now come to the conclusion that a preference should be given to Sir Walter Crofton's system. He referred them for details of its application to Switzerland to the report on Switzerland which would be printed in the Transactions.

Herr Ekert, director of the cellular prison of Brucksal in Baden, laid down from the first this principle, that imprisonment has a twofold object—detention and the prisoner's reformation; and he asserted that to attain this end it is necessary to choose between physical and moral means, between the treatment of the individual and collective treatment. He added that in Germany the question was settled by the new Penal Code, which in many respects appeared to him a model. Corporal punishment is abolished, cellular imprisonment and conditional liberation are established, police surveillance

humanely carried out, and in his opinion necessary, was maintained. Separate imprisonment in Germany, when applied to women as well as to men, produced excellent results. Formerly in Baden the maximum duration of cellular imprisonment was ten years; the new German Penal Code has fixed it at only three years. An interesting fact occurred when this code was first carried out in Baden. There were in the prison of Brucksal forty-two prisoners who had been in prison more than three years, and who consequently had the right of claiming exemption from cellular imprisonment. They all requested permission to continue their cellular life. Thus Herr Ekert supports the cellular system as explained by M. Stevens, all of whose conclusions he fully adopts. In the cells of Brucksal he has seen prisoners live without inconvenience for eleven, twelve, or thirteen years. He proved that recidivists are very rare among those who have been subjected for many years to cellular imprisonment. As regards the influence of this system on the moral and physical health of the prisoners, he furnished results which corroborate the statements of M. Stevens. In reply to M. Loyson, President, Herr Ekert stated they had not yet any criminal statistics in Germany. He added that all prisoners except one per cent. can endure cellular life without inconvenience.

Germany is divided in opinion on the question of penitentiary treatment. After Herr Ekert, who for fourteen years had been director of the prison of Brucksal, had declared himself to be on conviction a strong supporter of the cellular system, Baron Holtzendorf, of Berlin, congratulated him on the results obtained at Brucksal, but added immediately that, notwithstanding these results, he himself did not approve of that system, and that the public opinion of Germany was opposed to it, and that an executive committee sitting at Berlin, under one of the city magistrates as president, had unanimously decided to apply the cellular treatment in cases of short imprisonment, and the progressive system of Sir Walter Crofton when longer sentences had to be undergone.

Dr. Varrentrapp, of Frankfort, vigorously contested the statement that public opinion in Germany had pronounced against the cellular system. In the Grand Duchy of Baden, at Frankfort, in Würtemberg, Hanover, the Grand Duchy of Hesse, and

in Bavaria it had been adopted, and it was only on financial grounds that it was not more completely applied. Bavaria had, however, already built a magnificent cellular prison, which had produced excellent results. Dr. Varrentrapp considered that the new German Penal Code prefers and adopts the cellular system, and this he energetically maintained notwithstanding the contrary statement of Baron Holzendorf. He declared himself a determined advocate of the cellular system as practised in Belgium and described by M. Stevens. His opinion, he said, was supported by the experience and study of forty years. He combated the attacks made against this system, which appeared to him to have a most rational basis. What was done, he asked, during the last war to withdraw the wounded from the pestilential air of hospitals? They were isolated under tents. If we wish to heal those with moral diseases, should we not isolate them in the same manner? What can we hope of a prisoner plunged amongst men as corrupt as he is himself? What he requires is a pure atmosphere, a place where he loses sight of those who have dragged him into crime, or who have during his imprisonment increased his corruption, a place where he can receive instruction and education. Cellular life at least guarantees to the prisoner that he shall form no acquaintance with corrupt companions, who will afterwards hang like a heavy weight upon him. All kinds of objections have been made to it. It was formerly asserted that cellular imprisonment was unfit for women. Experience has proved the contrary. That it renders the exercise of Catholic worship impossible. M. Ducpetiaux was a zealous Catholic, and yet there was not a more ardent advocate of the cellular system. Another objection was that it was opposed to the nature of certain nations—to the nature of the French, for example. France adopted this system in 1845, and it would doubtless have been in vigorous operation now in that country, if the Ministerial Circular of 1853 had not overturned in an instant the results obtained by years of study and experience. And even when this Circular declared that from that time no more cellular prisons would be built in France, public opinion was so little in favour of the abandonment of this system, that the Department of the Seine continued to subject young prisoners to it when they sent them for correc-

tional education to the prison of La Roquette at Paris. Recently a French physician, when comparing the number of deaths in this prison with the number in the agricultural colonies in other parts of France, found the number smaller in La Roquette than in the colonies.

M. Ploos van Amstel stated that in Holland the cellular system was adopted and applied as in Belgium, with this single exception, that the maximum of the cellular imprisonment was two years. In this country, as in Belgium, conditional liberation is not yet practised. He showed that prisoners undergoing cellular imprisonment could correspond with one another. They are occupied in various industrial works. To supply them prison administrative commissions negotiate with manufacturers, over whom supervision is exercised to prevent dealings with the prisoners. They are liable to a fine of 200 francs. Wages are given to those who work with zeal. They give them means of getting better food and of aiding their families. A certain part is reserved till the day of their liberation. M. Ploos van Amstel, who, as magistrate and member of an administrative commission, for many years visited the prisoners in one of the cellular prisons of Amsterdam, and always found their health excellent—better even than he found it in collective prisons. He never observed bad results, either as respects their moral or physical condition. For this reason he supported the opinions of M. Stevens. He desired that in prison reform especial attention should be given to young criminals, and particularly to such as were open to good influences. He preferred the prevention of evil to its cure. ‘If we are unable,’ he said, ‘to reform those sentenced, let us at least try not to add to their demoralisation. I do not affirm that cellular treatment secures reformation and prevents relapses, but what system offers more facilities for the moral amendment of prisoners? If this system is not the best, it is in all cases the least injurious.’

M. Almquist said that in Sweden serious attention was given to penitentiary reform. Sweden in this respect had still much to accomplish and much to learn from other countries. The cellular system is there in operation, and has not been followed by the evil results attributed to it by its adversaries. The

prisoners enjoy better health in the cellular than in the collective prisons, while the cases of insanity are also fewer in the former prisons.

In the absence of M. Bruun, from Denmark, M. Almquist added that the cellular system was also adopted in that country.

Dr. Frey stated that up to the present time in Austria the collective system, pure and simple, had been practised, without classification or separation of any kind. 'At first we thought of introducing the cellular system as practised in Belgium, but, fearing it would interfere with the health of the prisoners, preference has been given to the progressive system. A maximum duration of three years' cellular imprisonment is followed by life in common and by classes more or less privileged. Conditional liberation has not yet been introduced.'

M. V. Crémieux commenced the explanation of the system followed in Switzerland, but in consequence of the late hour, he could not continue it.

XXVIII.—*Penitentiary systems* (English-speaking section).¹

IRELAND.

The Hon. C. F. Bourke explained the system of gaol management in Ireland. Crime in that country, he said, was comparatively very small. Putting aside agrarian crime, there was little beyond thefts and petty offences. The amount of crime largely depended upon the amount of employment and the supply of the necessaries of life. The management of the Irish prisons was confided to Boards of Superintendence consisting each of twelve members, chosen by the grand juries of the respective counties in which the gaols are situate, and are composed of gentlemen of social position and influence in the county, being in most instances justices of the peace; but as the rules for the management of the prison of each county are framed by the respective Boards of Superintendence and grand

¹ This section sat simultaneously with the former in which French was spoken.

juries, which, on the recommendation of the Inspector-General of Prisons, are sanctioned by the Lord-Lieutenant of Ireland, uniform rules and bye-laws, therefore, do not exist; and thus the same sentence of a prisoner in one county may be carried out in a more lenient manner than in another. This it is, however, hoped may shortly be remedied, as an amended Prisons Bill for Ireland is now before Parliament, which places amongst other valuable enactments the power to make uniform rules and bye-laws for all prisons in the hands of the Executive. The discipline of the Irish prisons differs but little from that of the English county prisons, with this exception, that the class of prisoners which have to be dealt with in Irish prisons are not so ignorant and low in the social scale as are to be found in many English prisons, some of the inmates being ignorant of the existence of a Deity. The prisoners in confinement in county and borough gaols in Ireland were persons committed for imprisonment for various offences, rendering them liable to sentences extending from twenty-four hours to two years, the latter being the longest sentence of a prisoner to a county gaol in Ireland. With regard to the sentences of twenty-four hours—which, he regretted to say, were very numerous—they were by no means deterrent to the class of prisoners on whom they were inflicted—namely, drunkards—as the carrying out of the sentence was practically giving the prisoner gratuitously a good bed for the night, a luxury to which he was probably previously unused; and it would be most desirable if the committing magistrates were empowered to pass cumulative sentences on such a class of prisoners, many of whom are committed once a week, amounting in many instances to upwards of one hundred times; and, when it is conceded that drunkenness is the parent of nearly all serious crimes in Ireland, it is not too much to ask the Legislature to provide some more stringent enactments against a vice which, it is to be regretted, is considerably on the increase in that country; and he firmly believed that the first duty of prison authorities was to insist on deterrent principles and seconding the reformatory. With regard to the secular education in prisons, all prisoners, adults up to forty years of age as well as juveniles of both sexes, attend the prison schools daily, and it is a gratifying fact that there are several instances of adult

prisoners who on their committal to prison were unable to read or write, who could do both on their discharge.

The total number of prisoners in custody in the county and borough gaols in Ireland on January 1, 1851, was 10,084, whilst on January 1, 1870, they were reduced to 2,029. (A delegate enquired from what cause Mr. Bourke attributed this very marked reduction. He replied it was to be accounted for by the improved condition of the people and the demand for labour, which was easily obtained by any person industriously inclined.) Mr. Tallack observed that the annual reports of the Inspectors-General in Ireland were valuable documents, explanatory, statistic, and exhaustive, differing widely from the reports emanating from the inspectors of the English county prisons; but he stated his opinion that the diet of the Irish prisoner was bad, and not sufficient to maintain him in health and strength during an imprisonment of two years, so as to enable him to resume his accustomed labour.

In reply, Mr. Bourke pointed out that there was at least one medical officer appointed by the Board of Superintendence to each gaol in Ireland, whose statutable duty it was to see and examine the state of the health of every prisoner on his entering the gaol, and to visit every prisoner at least twice in each week, and to attend any prisoner at all times he may be required. The medical officer has full power to exempt such prisoners from labour whom he may consider unsuited for it, to change the dietary, or order any nutriment which he considers the prisoner may require.

Mr. MacFarlane, Chairman of the North Dublin Union, one of the largest in Ireland, and a delegated member of the Board of Superintendence of the County of Dublin Gaol, totally differed from the remarks of Mr. Tallack as to the insufficiency of the prison dietary in county gaols, as he believed there was careful medical supervision in all the Irish prisons as to the health of the prisoners.

In the prison with which he was more immediately connected (the County of Dublin) it was the practice to weigh the prisoners who were sentenced to imprisonment for periods of six months and upwards, and it was found that although some prisoners decreased in weight a little shortly after their committal, yet that in most instances the loss was regained before

the period of the prisoner's discharge, and he was enabled to leave the prison a sounder and healthier man than when he entered it; the principal cause, perhaps, being that he was during his detention unable to indulge in dissipated habits.

In consequence of the great addition to the number of prisoners in the years 1848 and 1849, the grand jury of the county of Dublin were continuously pressed by the Government to build a new county gaol of greatly enlarged dimensions, which was successfully resisted by his advice, as he impressed on the authorities the very abnormal state of poverty and crime which existed in the country, the result of the famine of 1847 and 1848, and other disturbing causes, together with the operation of the newly-enacted Vagrant Act, which had for a few years added about 100 per cent. to the number of committals; and that he felt assured that the numbers would soon be reduced to the normal state which existed in 1844 and 1845, immediately before the famine. The result he thus anticipated is shown to have been fully realised by the reports of the Board of Superintendence, as the maximum numbers of prisoners confined in the county gaol in 1854 were precisely the same as those in confinement the year previous to the famine. Alterations have since been made in the County of Dublin Gaol, adapting it to the most approved system of prison discipline, and it has since proved to be not only sufficiently large for all requirements of the county of Dublin, but was also selected by the Government during the Fenian excitement as the prison best suited as a depôt for the political prisoners from the other counties in Ireland, thereby proving that the cellular accommodation, the sanitary arrangements, the satisfactory means for providing religious ministrations, as well as the safe custody of these State prisoners, were fully approved of by the responsible authorities. He felt it necessary to lay particular stress on the fallacy of basing results, in reference to prison statistics in Ireland, on the number of prisoners at present, or at any late period in the gaols, as compared with the number of committals subsequent to the famine in the years 1848, 1849, and 1851. All poor law and criminal statistics in Ireland should be a comparison of the present state of poverty or crime with the statistical return of the year 1844, since which period the disturbing causes have been famine, political excitement, and emigration.

He wished to observe, in reference to other observations which had been made respecting the chaplains of English prisons, that in Ireland (by statute)—the Act of 7 George IV. c. 68—the several Boards of Superintendence were empowered to appoint, and pay in their respective counties, three chaplains to each prison, namely, one of the Church of Ireland, one of the Roman Catholic Church, and one Presbyterian minister; and that in a majority of the Irish prisons (including the county which he represented) a minister of the latter persuasion was appointed and enjoyed his salary, although on many occasions a considerable period elapsed without his having a prisoner under his spiritual care.

Major Du Cane made a statement in the same section on Friday, in which he repeated, for the information of the American delegates, the information he had given on the preceding day in the French-speaking section.

SCOTLAND.

Mr. J. Moncure gave an account of the system of administration and control of county prisons in Scotland, which, he said, is almost identical with that of England. They are all subject to the authority of the Home Office, and liable to be visited by the Inspector of Prisons sent out therefrom. The appointment of the superior officers in prisons and the superintendence of the management is vested in a committee chosen from the justices of the peace and Commissioners of Supply. In many of the counties, the smaller gaols have been abolished, or are only retained as lock-ups. The prisoners formerly received into the smaller gaols have been transferred to the larger, where there are better means for isolation, discipline, and religious and secular instruction. The sentences of prisoners detained in the principal county gaols vary from twenty-four hours to twenty-four months. (Convicts are transferred to Government prisons as soon as possible.) The rule, however, is to transfer all imprisonment prisoners sentenced to nine months and upwards to the general prison at Perth, where they are maintained at the cost of the State. Any detention after sentence in local prisons is paid for by Government.

Two classes of prisoners are detained in these prisons. Civil and criminal debtors are allowed greater privileges than the

others, but are subject to the discipline of the prison if they offend. They are associated together, and allowed to provide a better class of diet. The diet of the prisoners varies according to sentence—its duration, and with or without hard labour. The labour is both productive and unproductive; the unproductive is exceptional, and the crank machine is the article prescribed for it. Corporal punishment is still in force against boys guilty of petty offences, but is very seldom resorted to. There is no other kind of corporal punishment anywhere. Unless in cases of weakness of mind or body, or prisoners employed in the prison service, solitary confinement by day and night is enforced on all imprisonment prisoners. Gratuities on discharge may be allowed by the code of rules in force to such prisoners as are considered by the governor to have been well conducted and industrious during detention.

The rules for photographing and registering habitual criminals are the same as in England. The cost of the public prosecutions in large counties of aggravated petty offences is often very high, and the imprisonment inflicted has little effect on the offender, as it is in many cases but a stereotyped repetition of what he has undergone a score of times before. For trivial offences, forced labour in his own neighbourhood on a justice's sentence would, he believed, in the majority of cases be found to be more deterring, remunerative, and beneficial than imprisonment. The earnings of prisoners do not anywhere that he knew of in Scotland pay for half their maintenance. The penitentiary system of Scotland is represented by the general prison at Perth and the county prisons at Paisley and Ayr.

Three classes of prisoners are admitted into the former:—first, imprisonment prisoners under sentences of nine to twenty-four months; second, male convicts during their probationary term of nine months, prior to transfer to public works in England, and female convicts during the whole period of their sentence; third, criminals and dangerous lunatics sentenced to be detained during Her Majesty's pleasure.

In the prison at Paisley, Protestant male convicts are admitted for their probationary term. In the prison at Ayr, Protestant female convicts are detained in the same way, previous to transfer to Perth for enjoyment of relaxation of dis-

cipline in latter part of sentence and discharge from prison. The convicts in these county prisons are boarded there at so much per head, in consequence of want of accommodation at Perth, and what they earn is paid over to Government.

The superintendence of these convicts and those in Perth is entrusted to a Board of managers in Edinburgh, one paid and three unpaid. Those unpaid are the Crown Agent for Scotland, the Inspector of Prisons, and the Sheriff of Perthshire for the time being. These managers have, under the Home Secretary, the control of all Scotch prisoners, subject to his orders for removal to and fro within and beyond the country. They remove on their own authority from county prisons to the general prison all prisoners sentenced for periods from nine to twenty-four months, as also all criminal lunatics sentenced during Her Majesty's pleasure. One of their number visits the prison at Perth twice a month, sees each prisoner, hears complaints, and inspects the buildings, stores, etc. The paid manager also superintends the collection of judicial statistics and registration of criminals.

The local management of the prison at Perth (to which what follows will apply) corresponds to what is to be found in Government prisons in England.

Police supervision works admirably ; those who incline to do well are protected, and those who follow vicious courses and return to their former habits are summarily dealt with. On liberation, each convict receives a gratuity of 4*l.*, subject to deductions for misconduct, and this is paid, 1*l.* on discharge, and by instalments of 10*s.* once a fortnight after discharge, on forwarding a certificate signed by the police, testifying that he is obtaining an honest livelihood. The imprisonment prisoners receive gratuities ranging from 1*l.* to 2*l.*, according to industry and conduct in prison. These sums, however, are subject to deductions of 2*s.* 6*d.* for each offence, but no prisoner is discharged without having 5*s.*, however badly behaved. The insane are employed in a garden attached to their house, in which about twenty-five of them, working two hours a day on a very ungenerous soil, raised during last year vegetables nearly sufficient to maintain over 700 prisoners. These prisoners have been very much bettered by such work, and I hope that the profitable results arising from it may induce an extension of it among

the sane criminals. Avoiding bad land in remote situations with inhospitable climates, choosing the proper convicts, and selecting good soil and favourable situations, I have no doubt but among a country of the first agriculturists in the world, we in Scotland could turn the convict labour to as profitable account as anywhere else.

XXIX.—*Borough and county gaols. Penitentiary systems.*

Dr. Mouat (who was in the chair) stated that it had been elicited in the discussions which had taken place that we as a nation depended more upon repressive and punitive influences than the nations of the Continent and America, who relied more on reformatory agencies for the diminution of crime and the protection of society.

Captain G. Armytage (governor of the Wakefield Prison) gave an account of the history and working of that establishment. From 1847 to 1867 it was both a Government convict prison and a prison for the West Riding of Yorkshire; and during that time he held the double appointment of governor of each department of the prison. The difference between convict and borough and county prisons consists in the fact that they had to deal in the latter with an immense number of short-time prisoners, people sentenced to three, four, or seven days' imprisonment. With them very little more could be done than to wash them and to send them out again; and the same process was very often begun again on the same persons the following Monday. All gaol officials agreed that short sentences were very troublesome, and often of little use. The majority of the offences were misdemeanours, principally caused by drink. The longest term of imprisonment was two years, though it might happen that a prisoner was sentenced separately for two offences, the result being his detention perhaps for three years. The Wakefield prison was built by Sir Joshua Jebb on the Pentonville plan. The surgeon decided the character of the labour a prisoner was fit for. Very few were fit for treading the plank through lack of physical strength. Every man put on the wheel lost weight at the rate of a pound a day. Such

labour was often awarded for misconduct, and he saw no harm in letting unruly men have a taste of it. Most of the prisoners worked at trades ; and if, on his discharge, one of them asked for help, if no fault was found with him he received some money ; but he was always watched home. Or, if he wanted a railway ticket to enable him to reach a place where he could get employment, the ticket, with some money, was placed in his hands when he was seated in the train.

The second class of prisoners were men who were not strong, generally slightly consumptive ; and in the West Riding there were a great many of that class. These were employed in mat-making and light work of that character. There was an industrial home, to which discharged prisoners might go, where the cost per head was 7s. 2d. per week. Some of them whilst there earned as much as 1l. per week. His wife had started an industrial home for women. The establishment of it had been one of the most uphill pieces of business imaginable, and at the same time it was one of the most successful. It had forty-five beds, but, under special circumstances, nearly double the number of persons could be accommodated. The women were chiefly employed in washing, for which the best apparatus has been provided. It had, however, been found best to keep to the simplest machine, such as the old dolly-peg tub, the object being to accustom them to such work as they would be likely to get when they left the institution. The success had been so gratifying that there was always a demand for servants. The girls were well trained, and the mistresses knew that they had a hold upon them ; for the girls were reminded that if they did not behave themselves, they would be reported to the head of the home. Of course a girl might have a complaint against her mistress, but the differences were often settled. The most perfect religious equality prevailed, there being both Roman Catholic and Protestant chaplains in the gaol, and Dissenting ministers were always called in, and they most readily came, when they were desired. The Roman Catholics were scattered over the prison, their religion being indicated over the doors of the cells ; but neither Protestant nor Roman Catholic ministers were allowed to enter the cells. There was a bountiful supply of books of all kinds, and it was the duty of one of the three schoolmasters to distribute them, that there might be no delay

in getting the books changed. When a prisoner desired a particular book, it was sometimes bought for him if it was not in the library, supposing the book was likely to be of use to him.

Dr. Wines said that last year he spent with great gratification a part of a day at Wakefield prison. As to the two industrial homes for discharged prisoners connected with it, he had no hesitation in saying that he knew of no arrangement with a view to saving discharged prisoners from a relapse, whether in this or his own country, or any other country, at all comparable to that at Wakefield. Work, and remunerative work, was provided for both male and female prisoners on their discharge, and they were informed that this would be done for them before their term expired. No person, male or female, after leaving the gaol, could ever come back on the plea that they could find no work to do.

Archbishop Manning remarked that he had come to the conclusion that the material system of our prison discipline in England—the treatment of the criminals in respect to labour, the care and training of them during their imprisonment, and the finding or giving facilities for procuring employment on their discharge—was carried to as high a point as it could be found in any other country. But he feared that the delegates from foreign countries would carry back the intelligence that the moral and religious system here was not efficient in so high a degree as it ought to be, except in the prisons under the direct action of the Government. He believed the wisest Acts passed in his lifetime were the Reformatory and Industrial Schools Acts. They went to the root of crime; and to prevent crime rather than to punish it was the true wisdom of the Legislature. Those Acts were eminently wise and eminently successful, and for this reason—they were founded upon a system of equal and just treatment of every class of Her Majesty's subjects, according to their convictions and their religion. Down to the present time, the treatment of adults in the prisons throughout England, excepting sixteen of them, had been upon the old system of mingling them together, by appointing only one chaplain. He claimed perfect and entire equality, and perfect and entire freedom for every person, whether of his own cloth, or whether they were Wesleyans, Baptists, or anything else. But in this matter liberty and

equality were not enough. We have had liberty of education for years, and yet we have had the streets and all our large towns, particularly London, filled with uneducated children. It had consequently been determined, that if the people did not do that which they were free to do in the matter of education, there should be a power of persuasion, and finally, of more than persuasion, to accomplish it. The Government convict prisons were eleven in number, and there most perfect religious provision had been given ; but he found that in 109 borough and county gaols there was no appointed chaplain or instructor, excepting the chaplain of the Church of England. This was neither equality nor liberty ; because they all knew that within the walls, whether of a prison or of a poor-house, prisoners and paupers had the greatest possible difficulty in making a request which they knew not to be acceptable. There ought to be a provision which should relieve the prisoner of all such difficulty, by placing on the spot some one who would visit him without a request on his part. In the bulk of the prisons of England, in 109 prisons, we were not on the same footing as those of France, Belgium, Italy, the United States, or Ireland. In Ireland Roman Catholic chaplains were appointed and paid. But he did not ask for payment. The Prison Ministers' Bill had been before Parliament for several Sessions ; but either the unwillingness to pay the chaplains or the pressure of business had prevented its becoming law. During the present Session it had passed the House of Lords and come up to the House of Commons ; but on the previous Saturday the Home Secretary told him that he had no hope of finding time to carry it through. That Bill proposed to do no more and no less than to put the prisons of England in the matter of religion on a footing with those of foreign countries. He had implored the Duke of Cleveland, who introduced the Bill into the Lords, and Mr. Maguire, who introduced it into the Commons, if any difficulty arose on the subject of the payment of the chaplains, to strike out the clause dealing with this point. What he desired was, that in every one of these 109 prisons a person should be selected, and his name placed upon the list of the officers of the prison, and that he should be recognised as the proper person to come and ascertain who belonged to his faith, have free access to them, and minister to them in the way Roman

Catholics were ministered to in the Wakefield and the Middlesex county gaols.

Mr. G. W. Hastings observed that in the county gaol of Worcester, a Roman Catholic chaplain was appointed and paid a salary, and that there the most perfect religious liberty prevailed. He trusted that the Bill making it compulsory to appoint Roman Catholic chaplains in prisons where there were Roman Catholic prisoners would become law. As Archbishop Manning had observed, in all the convict prisons there were Roman Catholic chaplains. Mr. Hastings then repeated what he had said the previous day when correcting the error into which M. Stevens of Belgium had fallen in regard to the treatment of prisoners, respecting their religious convictions, in England.

Colonel Ratcliff said that for years past there had been at the Birmingham Gaol a paid Roman Catholic chaplain; and care was also taken to have on the committee of the Prisoners' Aid Society one of the Roman Catholic priests of the district.

Mr. Aspinall (Liverpool) stated that nothing had occurred in the discussions to warrant any honest man in saying that we were careless, in any sense or degree, of the spiritual welfare of our prisoners; and that it must be admitted also that we were progressing towards all that any man could desire in this matter. Then in considering the prisons in the country where there were no Roman Catholic chaplains, it must not be forgotten that in many of them there would be none or very few Roman Catholic prisoners.

The Chairman observed that all Archbishop Manning pleaded for was perfect equality; and he did not suppose any Englishman wished to deny that. If there was a single Roman Catholic in the gaol, he had a right to religious instruction; and that should be a matter of law and right, and not of permission.

Mr. Robert Robarts (governor of the Bedford gaol) said that the gaol was conducted on the cellular system. Until 1853, the labour there was entirely unproductive, but in that year he introduced industrial employment. The result was, that after all expenses had been paid, including gratuities to the prisoners, there had been paid to the county about 10,000*l.*, that sum representing the net profit on the labour of the prisoners during the last twenty years. There had also been a satisfactory re-

duction in the number of committals. In 1853 the number was 667, and ten years later they had fallen to 323. The re-committals were reduced in the same proportion. A badge, with the initials 'G. C.,' was worn for good conduct, and gratuities were awarded for a like reason. The penal labour consisted of shot drill, which was far preferable to the treadmill; because it did not, like the treadmill, permit the old and experienced offender to impose on the weaker and less experienced in such labour; because it was not so degrading; and because it was a salutary exercise. Shot drill was only used as a penal labour. There were very few women in the gaol. The numbers varied; but the committals were not more than 60 or 70 for the last ten or fifteen years. They were employed in washing and mending for the male prisoners. Orders for articles made in the prison were sent from large houses in London; and they were supplied in accordance with the price list. The maximum sum a prisoner received in a week was 3*d.*, and a card on which these amounts were written showed him how much he was entitled to on his discharge.

Mr. Lowndes said that shot drill had been introduced into the Shropshire gaol, it being there regarded as partly deterrent and partly reformatory. The shot drill imposed on short-time prisoners had had excellent results, for more fines were now paid than before its introduction. The aim of the authorities of this prison was not profit, but to reform those who were sentenced to long periods of imprisonment, and to deter those who came in for a short term. This system, as far as it could be ascertained, had worked satisfactorily.

Sir Charles Sawle, Bart., said that in the county gaol of Cornwall the treadmill was turned to considerable use. It had been found that the introduction of bodily hard labour there had done more to lessen crime than any other system that had been tried.

Mr. Chandler (Pennsylvania) remarked that there was a great difference between the prisons of England and of the United States. Every State being independent, had its own laws and its own penal institutions. Therefore, while he could speak generally upon some subjects, he could only speak particularly of the system which prevailed in the eastern part of Pennsylvania, as regarded the county gaols. In many of the

counties there were excellent prisons, recent structures, well adapted for the detention, employment, and improvement of the prisoners, such as those of Lancaster, Chester, Lehigh, and Ichnyckill. The prison of Philadelphia city and county had come more particularly under his observation. It was a house of detention, a sort of bridewell, and a city penitentiary. The part occupied by males was crowded; but the female department was not full. It contained about 250 male convicts, and the law required that each man should have a cell to himself. They carried on their work as tailors, watchmakers, shoemakers, etc., in their cells. When he was appointed inspector he took particular charge of the female part of the county prison. He found in 85 cells 282 women, with 14 children, some of them having been born there. The cells were about 12 feet by 9 feet, and 14 feet high. Sometimes the number of prisoners was reduced as low as 260. A year afterwards, by permission of the Board, he enlarged the premises. The convicts included every class of offenders, from the drunken woman up to the thief; and the sentences of thieves ranged from six months' to three years' imprisonment. The minimum sentence was 24 hours for drunkenness, the law requiring that or a fine of two or three dollars for such an offence. Every woman was provided with employment, but if she by word or act broke the rules of the prison, she was deprived of her work. That was a loss to the prison, because there were 800 other prisoners depending upon the females for the making, mending, and washing of their clothes. This experiment was, however, only tried upon the females. Three years later the total number of prisoners was reduced to 80, and had never since at any time risen up to 100. When the number had approached the latter figure, it was owing to an increase in the number of small offences. Vagrants were committed for 30 days, but the inspector could turn them out whenever he thought it best to do so. In dealing with the prisoner it was sought to find a tender point respecting her home, her children, if she had any, or any other relation in life, believing that, however bad a woman might have been, there was at least one little point towards which they might address themselves, one little spark of virtue left which might be blown into a flame. Great success had attended the efforts to procure situations for the discharged prisoners. The sheriff of each

county was elected every three years, and he became *ex officio* governor of the gaol. If he was a good one, he took great care of the prisoners. The chief object was the reform of the criminal, and not to make a profit on prison labour.

The Rev. J. K. Mason said that in the State of Maine there were sixteen counties: and he was ashamed to say that the gaols in those counties were in a condition similar to those of Western Pennsylvania. They had a plan in its incipency, by which they hoped to arrange for putting all the gaols, along with the State penitentiary, under the direction of one central head. Such was the emigration from this State, that the population during the last ten years had increased by only 300. The present number of the population was a little over 600,000. The Maine law did, no doubt, a great deal to reduce the number of prisoners.

Dr. Wines, in response to an appeal from the Chairman, said that he sent out, under the instruction of the National Prison Association, 1,400 circulars to the county gaols of the United States; but by far the greater proportion of the counties made no response whatever. He believed 300 replies were received; and the inference was drawn that the counties which did not answer took very little interest in the condition of their gaols. The result of the enquiry showed that the gaol system of the United States was something of which every American must be necessarily ashamed. The gaols in the eastern part of Pennsylvania and Massachusetts presented a more favourable aspect than those in any other part of the country. He might be wrong in speaking from memory, but he believed that in only twenty-five gaols respecting which answers were received was there any employment for the prisoners; and in the great majority the prisoners associated indiscriminately. In not a few even the separation of the sexes was imperfect. Then the gaols were neither healthy nor secure. In numerous instances mobs had effected their entrance into gaols, particularly in the South, and lynched the prisoners. Then they were badly constructed, damp, and ill-ventilated. The gaolers in most cases were the sheriffs; and they, having a good deal of patronage, were exposed to a great deal of temptation. The gaols were commonly under the control of a Board of supervisors, usually composed of a lawyer or other professional man from the county town, and

some farmers, men who, though able to tell which were the good points in their own houses, or their neighbours, yet thought a gaol was a place into which no honest man ought to go, and who knew nothing of the interior of the building.

The Hon. Governor Haines said that in some of the counties of New Jersey, there were both gaols and workhouses where the prisoners were employed. In the county of Hudson, for example, there was an excellent house of detention, where the persons convicted of lesser offences were confined and employed in some profitable industry. In the county of Essex, too, there was an admirably-managed workhouse, with a physician and chaplain, and separated from the control of the sheriff; but he was sorry to say there were no means of employing all the prisoners. In the rural districts there was great difficulty in finding employment for the prisoners. If a prisoner was sentenced to a term of imprisonment exceeding six months, the sheriff was bound to take him to the State prison.

Mr. J. Moncure said all the prisoners sentenced to more than nine months' imprisonment were transmitted to the Perth prison, which was the dépôt for the majority of the criminals of Scotland. Their treatment corresponded with that of the criminals of England. Corporal punishment was not inflicted except upon juveniles.

Mr. Clarke Aspinall, in his official report of the discussion, after giving a summary of the speeches which we have more fully reported, makes the following remarks:—

The tone of the discussion and the facts elicited led pretty much to the conclusion that, in deterrent treatment, disciplinary control, industrial and improving labour, and in educational and religious teaching, the gaols of the country might be fairly stated to be satisfactorily governed, the direct government being vested in the governor, but always under the constant control of the visiting justices representing the entire bench of magistrates, and likewise every gaol being under inspection by gentlemen appointed by the Home Secretary.

The system of allowing prisoners under our convict system to work out their liberty by industry and good conduct, somewhat before the entire sentence is served, does not apply to our county and borough gaols, in which the full term of each

sentence must be served; but effort is made, as has been shown, to reform and refit for society. Discharged Prisoners' Aid Societies, whilst existing in several counties and boroughs, were not so general as all seemed to feel they ought to be.

INDIA.

Dr. Mouat read a paper on the Indian penitentiary system, which will be found in Part III. After it was read,

Mr. F. Hill hoped Dr. Mouat would be restored to his former field of usefulness. Separation by day would be a great obstacle to remunerative labour, and financial considerations would deter the Government from adopting it. Separation at night and separation among the un-tried prisoners, with whom contamination might be serious, was a different thing. If in every large prison a moderate number of cells were provided for separation at night, and if a judicious selection of prisoners likely to corrupt others were made for those cells, it would be sufficient. Mr. Demetz's experience agreed with his own, that after as much labour as men had out of prison, prisoners on going to bed went to sleep and did not talk. It was easy, therefore, by weeding out the worst prisoners to prevent corruption at night. He introduced the task-work system in Scotland several years before Dr. Mouat's introduction of it in India, and its effect was equally satisfactory. A man went heartily to his work, knowing that afterwards he could work on his own account, and frequently prisoners rose at three or four A.M. In Scotland there were generally in his time forty or fifty prisoners voluntarily remaining after the expiration of their sentences, in order to master their trades, and he was glad to hear of this practice in India.

Dr. Mouat said he was authorised by Miss Carpenter to say that she concurred, from personal knowledge, in the sentiments expressed in his paper.

Mr. Rutherford Ancrum, on visiting a small prison at Havre last year, found fifteen or twenty persons making brushes in a room, under the supervision of an old prisoner. He was told brush-making was tolerably well known, and that on account of the frequent re-committal of certain prisoners, some could generally be found able to instruct the others. No warder was

present, and the number of warders appeared too small to allow of one being present in every room where work was going on.

Mr. Serjeant Cox, having to deal with about one-tenth of all the crime in England, was anxious for information on the amount and kind of punishment. In passing sentence he had to consider, not so much the possibility of a man's reformation as the deterring of others, this sometimes involving greater severity than the actual facts of the case would dictate. On this account he had urged the classification of convicted prisoners; for the managers of the prison should look to a man's antecedents, and apportion the punishment accordingly. The prisoner should have moral, religious, and intellectual instruction, but the less said to the public about this the better, for it might make prisons attractive instead of formidable. Reformation was only a secondary object; the main object was deterrent.

Dr. Mouat differed widely from Serjeant Cox. He had had fifteen years' contact with prisoners, and had looked at the question from the point of view of society, as well as of the prisoner.

Mr. T. B. L. Baker believed the deterring influence had more effect on the greatest number of people than reformatory influences. The gaols contained about one in 1,000 of the population, and it was surely more important to consider the 999 than the one. Sentences should be deterrent rather than retaliatory. If the public frequently could not tell what circumstances had influenced the judge, how could an ignorant prisoner be expected to tell? And if a sentence was not understood, how could it deter as much as we should wish? Unless a man could tell what sentence he should have if he did wrong, he was not sufficiently deterred. To deter did not necessarily involve flogging or excessively unpleasant labour—he should rather say length of sentence, but to deter should be the object.

Dr. Bittinger urged the necessity of different treatment for crimes of passion and crimes of reflection.¹

Mr. T. H. Thornton, being asked to give some information about the Punjaub, said it was the extreme north-west

¹ See summary in Part III. of Dr. Bittinger's paper.

of our Indian possessions, and contained nearly 18,000,000 inhabitants, Mohammedans and Hindoos in about equal proportions, and the latter including the Sikh population, a very martial race, 1,500,000 in number. There were twenty-eight gaols—one, a central gaol at Lahore, for the reception chiefly of five years' sentence prisoners and upwards, also for the casual prisoners of the district. There were four divisional gaols, receiving prisoners with from two to five years' sentences, and the rest were district gaols, taking casual prisoners and those with sentences up to two years. The central and divisional gaols had special superintendents, in all cases a medical officer, who had both executive and magisterial charge of the gaol. The others were under the control of the magistrates of the district, or officers appointed by them. The total prison population averaged 11,500 daily, which could not be considered large, the number in England being 20,000.

In the central and divisional gaols individual treatment had been attempted during the last few years, but in the bulk of the gaols it was impracticable, the expense of a superintendent who could devote his whole time to the prisoners not being allowed. In those five gaols a prisoner had a task, and had to earn a certain number of marks, which entitled him to be put on less irksome labour. For eighteen months they had the hardest form of labour; then, if they had behaved well, and had obtained the maximum marks, they were put on a lighter form, and continued good conduct and marks led to a still lighter form. He believed that in some cases they could even leave the prison and live under surveillance. It was hoped to carry individual treatment further. The provincial Government had been anxious for separate cells—at least for sleeping—but the Supreme Government had resolutely opposed it, mainly on financial grounds, but also on the ground that as religious instruction was impossible under the circumstances of the country, the cellular system would be useless. In Bhaulpore, a native State managed by a Punjaub official, a prison with separate cells had been tried. It was one of the hottest parts of India, about as hot as Mooltan, and according to a native proverb there was only a piece of brown paper between Mooltan and the infernal regions. The separate system had been found efficient as a deterrent, and the health of the prisoners had never been so good

as there. The recommitments averaged ten to fourteen per cent. of the daily average of prisoners. In England he believed it was thirty-three per cent. (Mr. Tallack: 'Nearer thirty-nine'.) For a long time the mortality in Indian prisons was alarmingly great, as much perhaps as ten per cent. in a year on the daily average, but in 1864, when he became secretary to the Punjaub Government, it was four per cent. The prisons were now critically clean, prisoners being put in quarantine to prevent epidemics, and the average mortality was now less than two per cent.

Dr. Grey (inspector-general of prisons in the Punjaub) was asked to supplement Mr. Thornton's statement. He said there were now thirty-two gaols, four having been added within the last two years. Taking the returns for 1870, the total number of convicted prisoners received within the gaols during the year was 19,619, and he believed the total prison population, including previous admissions, was 31,300. The population being $17\frac{1}{2}$ millions, the percentage of criminals was eleven; he referred to commitments, not to convictions. Of the Christian population, 22,154, the convictions were 42; of the Mohammedans, 9,337,685, the convictions were 19,429; of the Hindoos, 7,256,177, they were 8,627; and of other classes, 995,482, they were 3,202. The last category included a number of tribes peculiar to the Punjaub, and others spread over the north-west of India who lived almost entirely by crime. It was their hereditary profession—chiefly theft. Cattle-stealing was one of the most frequent crimes in the Punjaub, but it was not so much practised by these wandering tribes as by cattle owners. Some were so addicted to it that a youth did not receive the turban indicating maturity till he had successfully committed it.

In answer to Mr. Aspinall, who remarked that at Liverpool the number of convictions was larger than that of criminals, some persons having been ninety times in prison, Dr. Grey said his figures referred to convictions, not to criminals. The reconvictions were 14.58 for the year, and there were very few reconvictions which were not known. The criminal class as a rule differed from the English. They practised crime hereditarily. Thuggism was partly a religion, and partly a habit. At Lahore a small gaol of Thugs, sentenced to transportation, was under his charge. Some had committed sixty murders, and on his asking whether they were not ashamed they replied,

‘Are you ashamed of shooting a quail? It is our legitimate occupation.’ The associate system prevailed; the percentage of solitary cells in the whole province was not more than six or seven. (Dr. Mouat said this was higher than other parts of India.) There were many separate lock-ups, in which only unconvicted prisoners were confined. All persons committed for trial were supposed to be dangerous, and were sent to prison, but were separated from convicts. Sexes, ages, debtors, &c., were classified, and there was an attempt at classification according to crime, but want of accommodation prevented its being fully carried out. Overcrowding was a constant complaint. All were employed in intramural labour, except in one special case, and on industrial work.

Dr. Mouat (Chairman) was glad that Dr. Grey and Mr. Thornton concurred in his views. Nowhere could prison discipline be better tried than in the Punjaub, under such able administrators as Lord Lawrence and Sir Donald M’Leod. We ought to profit by Indian experience, though it had been acquired many thousand miles off, and under greater difficulties than existed here.

THE UNITED STATES.

General Pilsbury, in giving an account of the New York prisons, said there were three large State prisons, under the management of three inspectors, one retiring yearly in rotation. They had the appointment of all the officers, who were consequently changed at every political change; yet they took but little interest in the management, and were themselves elected by political influences. Those prisons were, therefore, badly managed. Penitentiaries stood between county gaols and the State prison. That at Albany, of which he was warden, was established twenty-seven years ago for minor offences. In the county gaols there was no labour whatever. The Albany penitentiary was now partly a county gaol and partly a State prison, owing to other establishments being pretty full; and prisoners from the district of Columbia might be sent to it also or to the State prison if their sentences did not exceed five years. Of 1,098 admissions during last year, 715 were for terms less than six months, and 22 were sent to the penitentiary in default of bail, who were of course discharged whenever they

could procure bail. Some prisoners were committed for public intoxication, but thirty or sixty days' imprisonment was quite ineffectual for this. In all cases of reconviction for drunkenness six months ought to be imposed, as the only hope of reformation and the acquisition of new habits. The same reason applied to other habitual offenders. When warden of the Nantucket prison thirty years ago, a man under a twelve years' sentence, after eight years' good conduct, refused to leave his cell. After vainly remonstrating with him, he took him by the collar, when the prisoner struck him with a knife in the arm and chest, wounding him slightly. The man was flogged, and on his stopping the punishment, the prisoner said, 'Go on, kill me; I ought to be killed.' He himself wished the matter to end there, but the authorities insisted on indicting him as an example to the other prisoners, and he was sentenced to imprisonment for life. He served out his remaining four years and a year of his life-sentence, when he obtained his pardon for him, knowing that he regretted the act, and abhorring the idea of keeping him for life. Sentences depended too much on judges' temperaments, and the sense of injustice felt by prisoners with heavier sentences than equal, or perhaps worse, offenders, was fatal to any hope of reform. Without a feeling of the justice of the sentence there could be no hope of reformation. Moreover, a man imprisoned in default of paying a fine felt that he was punished for his poverty, not for his offence. At Albany prisoners slept and fed separately, but congregated for work, worship, and instruction. While agreeing that financial should be subordinated to moral considerations, he had found the latter neglected in prisons where proper exertions were not made for prisoners to earn their own living. His father was warden of the New Hampshire State prison, and nearly fifty years ago he was his deputy there. He had never been connected with any prison that did not pay all its expenses and have a surplus. Albany earned last year 20,000 dollars above its expenses (exclusive of rent), which sum he intended to devote to the improvement of the institution, thus giving the prisoners the benefit of their own earnings. No aid was given to discharged prisoners, though for want of it, and difficulty in getting employment, they were often driven back into crime. Many were inured to labour and willing to work, but

if no friend or benevolent person found them work, what remained but to beg or steal? A reformatory for young men between sixteen and twenty-five was being built in his State on Sir W. Crofton's plan somewhat modified. There were to be four prisons under one roof, with six hundred in each, and the prisoners would have to begin at one and go through the others. The cost would be a million dollars, and the managers would hold office ten years, so as to avoid political influences. Other institutions would be built if this succeeded. For twenty years he had not drawn a dollar from any source for the penitentiary.

Dr. Wines said there were forty-five States and territories in his country, each with an independent prison administration, the Federal Government not owning a single prison, but using the State prisons for offenders against its laws. As a rule, congregate labour and separate cells prevailed in these prisons (answering to convict establishments in England), but in part of Pennsylvania the cellular system existed. New York, with nearly 5,000,000 inhabitants, had three State prisons, Sing Sing, Auburn, and Clinton. The first had males and females in different buildings. The great difficulty in these institutions was the predominance of political influence in the appointment of the officers. The three State prison inspectors appointed all of them, and could turn them all out the day afterwards. They were themselves elected by party votes, and however well disposed to discharge their duties effectively, they were compelled to obey party behests. There was consequently no stability in the administration. For ten years the Prison Association of New York had been agitating for a reform which would take the administration of prisons out of the party arena and place it in the hands of competent men. This had been passed by the Legislature, but it would have to pass another Legislature, and then be submitted to the popular vote. Leaders of both parties supported the change, and it was likely to come into effect as soon as the requisite forms had been gone through. Under the new system five prison surveyors or directors would be appointed by the State governor and Senate, and would hold office for ten years, one retiring every two years. They would appoint the principal officers, but could not displace them without cause stated in writing and after full and fair hearing.

Thus it would be a good behaviour tenure, as with the judges in some of the States, and soon, he hoped, in New York. The warden would have the sole selection of his subordinates (not including the chaplain, physician, clerk, etc.), and would have power to remove them when he thought necessary, subject to his general responsibility to the directors. This reform only applied to the State prisons, it being thought that public opinion was not advanced enough for its extension to the other prisons, but power was reserved to the Legislature to apply the system to them at any future time. The administration hitherto had been such as might be supposed from its unstable character. There was to be a State industrial reformatory for young offenders, substantially on the Crofton system. Penitentiaries were really district prisons, administered by single counties, but receiving prisoners from neighbouring counties under special agreements. These were less subject to political influence, though General Pilsbury's thirty years' tenure of office at Albany, and his re-election every five years by a political Board, could only be ascribed to his high character and eminent success. No outside authority prescribed laws at Albany, and General Pilsbury had always appointed all his subordinates, but a warden possessing less confidence would probably be subjected to more control.

The Hon. J. R. Chandler (Pennsylvania) said American prison administration depended more on personal character than on system. In his State it was entirely free from political influence. There were two penitentiaries directed by inspectors appointed by the Courts. These inspectors selected the warden, and he chose his subordinates subject to their approval. The Eastern penitentiary was a radiating prison, with separate cells of good size, mostly on the ground floor, and with a separate yard for exercise or labour. Each prisoner was known by a number, and was not seen by his fellow inmates. The labour imposed was not difficult or disagreeable, and it was a punishment to withhold it. The physical and mental health of the prisoners was excellent. Nowhere could 900 men be found in better health. The sentence used to be 'separate and solitary confinement,' but solitary confinement was only resorted to as a punishment for prison offences. The law allowed a commutation of one month for the first year, etc., but misconduct

debarred prisoners from the enjoyment of this. A man sentenced both to fine and imprisonment might be excused the former through good conduct, and on an oath of poverty. The Dutchman mentioned in Dickens's 'American Notes' as certain to die in a few years, was now, after nine years' imprisonment, under five sentences, a hale man of seventy-two. Three cases of insanity occurred at an early period, but these persons were in a bad state on their admission, and, under the care of the resident surgeon, they recovered in a few months. He doubted whether insanity or mortality was greater in the penitentiary than among 900 men at liberty. The prisoners could pursue their trades, and, on discharge, received 50, 100, and, in one instance, 150 dollars, the surplus, after paying for maintenance and materials. There were shoemakers, watchmakers, mechanics, &c. An excellent clergyman, a Methodist, he believed, lived in the prison as chaplain, and had access to all the prisoners, while other ministers might visit those of their own persuasion. The chaplain formerly acted as schoolmaster also, but found the task too heavy, and a separate schoolmaster was appointed. The prisoners had the means of pursuing their studies, and some were familiar with the differential calculus. They were kindly treated, and encouraged to do better. A discharged prisoner had no fear of being recognised by a fellow-prisoner, and one of the visitors was once addressed in the street by an ex-prisoner, who waited till two other gentlemen had left him, not knowing that those two men were for three years in cells within ten yards of him. He did not disparage other systems, but he considered this the best. Men came out at the end, perhaps, of sixteen years in perfect health, and with the resolution of being good.

The Rev. J. W. Sullivan (Indiana) said his prison received convicts under sentences varying from twelve months to life. The labour was under the contract system, and the low prices given had prevented the establishment from being self-supporting; but next year there would be a large surplus. Railway cars were manufactured. There was no organized school, but books, papers, etc., were supplied for self-improvement; and he frequently visited the prisoners to give them assistance. About half the prisoners voluntarily attended a Sunday-school; there were volunteer teachers from outside, and in some cases the

better and more intelligent prisoners assisted in teaching. Three years ago he formed a prison church, called the Christian Brotherhood. The members undertook certain obligations, and agreed to help each other in leading religious lives. They did all the singing, talking, and praying themselves; and many had been the subjects of saving grace, taking useful positions in society on their release. One had for two years been an active and influential man in Pennsylvania. At eleven o'clock on Sunday there was a public service.

The Rev. J. L. Milligan (Pennsylvania) said that the Western penal district of the State was made up of thirty-three counties. Its institution was called the Western State Penitentiary. It was free from political control. Its Board of Inspectors were appointed by the Courts, and held their office until they saw fit to resign. They appoint the chief officers of the prison, and approve the subordinate appointments of the warden. Their executive Committee daily visit the prison, and audit the accounts of the institution every month. They are easily accessible to any prisoner who sees fit to send his written request for an interview. Commutation of sentence, overwork, and school privileges are granted. Punishments consist in deprivation of privileges simply. Whilst the same general legislative enactments pertain to both of the State penitentiaries, the Western penitentiary has one law peculiar to itself. It is the power granted the Board of Inspectors to congregate any portion or portions of the convicts under their control for labour, learning, and worship. This opens, not only the cell door, but the chapel for divine worship, the Sabbath and secular school-room, and the workshop with its machinery. It affords opportunity to individualise and to congregate on the basis of individual merit. It keeps the incorrigible in his cell, and compels him to labour there. Any clergyman is admitted at the wish of a prisoner. Regular visitations of members of Prison Societies and relations are earnestly encouraged. Hence with kind but firm graded control, ample medical, moral, and religious, as well as industrial and police supervision, it links itself to a progressive prison policy, neither wholly congregate nor wholly separate, but a combination of both.

Mr. Mason (Maine) said that, having come from a State, a single one of whose counties bordered on the British domain

for more than three hundred miles, and therefore somewhat *related* to the country in whose metropolis we are convened, he felt that it did not become him to be wholly silent. He came to learn, and then return to practise. Our county gaol system is bad—not worthy the name of system. It corresponds very much to that of western Pennsylvania, as described by the delegate, the Rev. Mr. Milligan. We are moving to revise it, and hope to succeed in having all our penal institutions under one general direction, with power vested, perhaps, in a Board of Inspectors, or in the Governor and Executive Council of the State. The matter is in embryo; we hope to have birth and development soon. We have a reform school, which we think is useful and well-conducted. It is only for boys, and they are treated on the principle that it is easier and every way better to *win* to *goodness* than to drive. An industrial school for girls has been attempted, but our Legislature hitherto has been too economical. Our State penitentiary, with whose condition I have the pleasure of being intimately acquainted, though holding no official connection therewith, is perhaps as successful in the financial results of its industries as could be desired. The convicts work there—all who are able—most of them at trades of different kinds. Carriage, shoe and boot, and harness manufacturing are the principal ones. These of course include everything essential to the business, affording many an excellent opportunity to acquire a practical knowledge of upholstering, blacksmithing, and the like. The convicts eat and sleep in solitary, but work in shops after the congregate plan. The aim is to encourage them, to make them feel that their manhood is not all gone, and that their respectability may be recovered or gained. The chaplain acts as their schoolmaster, occupying a portion of the evening with those who are uneducated, in giving them instruction in reading, arithmetic, penmanship, etc., and some have been aspiring enough to enter upon the elements of Latin and Greek. Religious services are held each Sabbath in the chapel, where most of the convicts seem very willing to go. The music is furnished by some of the best talent in the village as a voluntary offering. We have a commutation law, by which any convict whose term is over two years and under life can materially abridge the time of his imprisonment. In some of our shops, the overseers are the

instructors ; in others, there are special instructors ; and in some a prisoner is promoted to the position of instructor, while the overseer looks to the general order and attention, and meanwhile is himself a learner of the trade. *A step up higher* is our motto there for everybody. For punishment, the dark cell and bread and water are sometimes resorted to, but not often with those who have been there long enough to have learned the humanising policy that is adopted there. Many, we think, go out reformed and regenerated, morally and religiously. Some fall again who promised well. Our present warden is on his ninth year, and, as an indication of his eminent services, has had his salary increased from year to year from 1,200 dollars until it is now 4,000 dollars. We hope to improve our system still more.

Dr. E. M. Snow (Rhode Island) wished it to be understood that the Eastern Pennsylvania Penitentiary was the only one in the United States on the cellular system, and had no advocates besides its managers. Almost all Americans admired the Irish system, and wished to copy it as far as possible, though in many important respects it was inapplicable to their country.

In concluding the official report, the Rev. J. L. Milligan remarks :—‘ It may be inferred from all that was said in regard to the American penitentiaries, that no one system in all its details is in universal use. There is a disposition to reach after and apply the best of all the well-defined principles of penal control which promise most of pecuniary remuneration consistent with humanity and the best interests of the offender, both temporal and spiritual.’

XXX.—*Women's Work in Prisons.*

The sphere open to women in the visiting and inspection of prisons was introduced in the full Congress by Mrs. Chase ; and it was afterwards discussed in one of the three Sections that sat on July 11, and which was attended chiefly by ladies.

Mrs. Chase said :—In some of the United States of America, an effort has been made, within the past few years, to procure the enactment of laws requiring the appointment of women on

the Boards of Inspectors of Prisons. This movement comes from the thoughtful, conscientious women of our country, who have learned to feel the same responsibility for the ills around them which is felt by thoughtful, conscientious men, some of the best of whom second this effort. They claim, first, that it is the *duty* of women to share with men in the care, instruction, and reformation of criminals, and that they can best do so if empowered with the same authority that is given to men who have the supervision of prisons. Criminal women, however vile and debased, still need the sympathy and society of their own sex, and the peculiar treatment which only women know how to apply. If you say that the matrons in the prisons are sufficient for the supply of these peculiar needs, permit me to remind you that the women who are employed in this capacity are not generally persons of sufficient intelligence to comprehend in any enlightened way the real condition of imprisoned women, which is, in consequence of the public sentiment which irrevocably condemns them, so much more deplorable than that of criminal men. Cultivated women do not yet take these positions, and those who do are usually such as have no idea beyond that of the relations between themselves on the one hand, and subjection on the other. If it is said again that, at present, women may visit prisons, and instruct and console the women there, I answer that, while much good may be and has been done in this way, still, while they do it only by permission, there is much about it which is embarrassing ; and as a part of their mission should be to see that the prisoners are treated as they ought to be, if they make any criticisms concerning this, it is considered unwarrantable interference, and often leads to their exclusion. And, while the character of the visiting women depends upon chance, they are as likely to be indiscreet and to interfere unwisely as otherwise. While, if they were selected as men are, or ought to be, for their fitness, their work would be done with good judgment and discretion. Then, again, criminal men, separated from their families and all gentle influences, need the ministry of good women for their reformation. Also, in the counsels of a Board of Inspectors composed of both sexes, selected for the soundness of their judgment, the breadth of their experience, and the goodness of their characters, I am sure the suggestions of the women would

often be very helpful concerning all household matters in the prison life ; and their keen, intuitive insight into character would often lead to a better understanding of the actual mental and moral condition of the prisoners, than the men would be able to obtain alone. I have found, in visiting prisons in my own country, where both men and women are confined, that the inspectors devote their attention chiefly to the care of the men. The Chairman of the Board of Inspectors of our Rhode Island State Prison told me that they know nothing about the women. Said he, ' If the men are sick, we can go into the hospital and see that everything is done as it ought to be, but we cannot go into the women's hospital, and we know nothing about it.' This inattention is owing to these facts. In the first place, there are in our country always much fewer women in prison than men, so that it seems less important that they should be looked after. In the second place, ordinarily good men regard fallen women as much worse than fallen men, and so shrink from their presence. And, lastly, the public sentiment which condemns a fallen woman to irrevocable, irremovable disgrace, and so pronounces her restoration hopeless, follows her within the prison walls, and, regarding her as wholly lost, the inspectors cannot hold out to her the same hopes and promises which they can to men ; and so, as another Chairman of a Board said to me, ' They don't know what to say to them.' Now, if there is anything to say to them ; if there is any way by which the path to a well-ordered life can be opened to them ; if the stone which an unjust public sentiment has laid over the grave of their respectability in the position from which they have fallen, *can* be rolled away, it must be done by women ; and I know, from my own experience, as one of a Board of lady visitors to prisons appointed by the Governor of our State of Rhode Island, that we cannot do it thoroughly and well unless we share with the men the responsibility and the authority which guides and controls these institutions. Therefore, I do hope a word will go out from this Congress in approbation of this movement.

Miss Carpenter said it would not be denied by anyone that the special work the female sex was privileged to do was to administer sympathy and help. She was not one of those who desired that woman should take the place of man or do man's

work; but she wished to define in this Congress the special work which women had to do. In the first place, she believed that everything which concerned the reformation of female convicts should be the special work of women. Further, she believed that everything which concerned the reformation of children should be partly under the care of women. In her paper she had said that children requiring reformation ought to be placed in homes and not in prisons; and we all knew that there was no true home which had not in it a mother or a sister, or some woman to control it. Therefore in a reformatory there ought to be a woman, representing in that establishment the mother in the home. For the same reason all girls' schools ought to be entirely under the charge of women; and the female ought to be introduced in the management of schools for young boys, though the direction of them might rest with men. These propositions being granted, the question arose: What was the particular part women would have to take? First, in connection with all prisons there ought to be lady visitors. She said ladies, because it was very important that the higher influence of educated women, when combined with an earnest, philanthropic, and religious spirit, should be brought to bear upon female convicts. She could hardly find anyone who would not agree with her upon that point. She was quite aware that there were great difficulties attending the visitation of prisons by women, but they had been triumphantly surmounted in the convict prisons of Ireland. In those prisons there were convicts of various denominations. On their arrival, they were required to state the denomination to which they belonged. In the prisons that were under the supervision of Sir Walter Crofton, ladies of approved position and character were permitted to visit the prisoners; and each lady confined herself exclusively to the denomination of female convicts to which she belonged. She had understood from all concerned in the matter that this system answered admirably. It was when a female prisoner had left prison that the good offices of her own sex were most especially required; it was then that women must endeavour to rehabilitate her and restore her to society. She was extremely sorry to say it, but female prisoners, as a class, were a great deal worse than male prisoners; they were, as a rule, in a far lower state of degradation than males. This

was a fact it was better to state openly at once. There was less willingness to send women to prison than to send men there. Therefore it happened that in our gaols there was a less proportion of women than men; but, as a rule, it would be found that the women in any gaol were specially bad. Therefore it was necessary to have female visitors to enter in a sympathising manner into the wants of these people, not only with Christian sympathy, but with minds capable of grasping the position, and considering what was the best means of restoring them. She agreed with Mrs. Chase, who laid down the position that lady visitors ought to have an official position. They should have absolute authority, so that no remarks of theirs should be deemed to be irrelevant or impertinent. Ladies ought to conduct reformatory schools for girls; and she would say also they ought to manage them. It was supposed by many that ladies were not capable of managing business arrangements in a Board; and she would grant that the bulk of them were not capable of doing it; but then they might be trained to it. She spoke strongly on this point because she had known many female institutions which were managed solely by gentlemen who would not allow ladies to take any official part; and great abuses must necessarily creep into such institutions, because when none but gentlemen came in contact with female officials it was simply impossible they could go into matters of detail, which might appear to be trivial, but which might involve very important principles calculated to undermine the institution. She would give to ladies a special work in the reformation of prisoners out of gaol, such as was done at Golden Bridge, in Ireland, at the institution which Sir Walter Crofton established. Sir Walter Crofton, in Ireland, where the majority were Catholics, as were the majority of prisoners here, requested the nuns of the Golden Bridge nunnery to take charge of female prisoners before they were set at large. While the power to detain them still existed, he sent them on licence to the Golden Bridge institution, which received an allowance for their maintenance from the prison authorities. If they misconducted themselves, they were sent back to penal servitude; if they did well, there were persons in Ireland who were perfectly satisfied to receive them from the hands of these nuns. This institution had worked admirably; and out of the thou-

sands of cases that had passed through it, there had been very few relapses. The public had been found quite willing to take the women from this institution into their homes. The ladies in charge of it treated the convicts in as kind, and free, and open a manner as if they were free women. Sir W. Crofton fully believed in his system, and after great effort obtained permission of the Government to try it in England. He took a house in Queen's Square, Bloomsbury; and the Government consented to send him certain of the female prisoners from Millbank, and others who had proved themselves, as far as they could be judged, worthy of the privilege. There still remained the legal power of detention, so that if they proved themselves unworthy they could still be sent back to prison; and with that exception the inmates were as free as in any other house. The experiment, carried on for several years with deeply-dyed criminals, had proved to be quite satisfactory; and the institution, which until lately was under the management of Lady Crofton, had been removed from London into the country. It was entirely under the control and management of women; but of course there was behind their authority legal power to direct. The public had been willing to co-operate. In connection with this subject, reference should also be made to the work in the reformation of female prisoners which was carried out by Mrs. Meredith. Sir W. Crofton, having proved the success of the principle, was anxious that ladies in different parts of the country should multiply homes for female prisoners, and that the Government should be induced to encourage them.

Miss Emily Faithfull (representative of the 'Sorosis,') must bear her testimony to the extreme value of the institution which was begun in Queen's Square, Bloomsbury, and thought it very desirable that such institutions should be raised in every part of the country. It was important in dealing with criminals, and especially with women, that they should have a chance of reformation when they left prison; and she agreed with Miss Carpenter, that it was quite impossible to take them promiscuously into a home; that might involve more harm than good, both to themselves and others. She felt deeply the necessity of appointing ladies as visitors of prisons, because women could intuitively understand and sympathise with their

own sex better than men ; but she feared we could do nothing until we had more women better trained for the work.

Mrs. J. W. Howe (Boston) thought that one reason why women criminals were not so often reformed as men, was that their own sex did not bother themselves about reforming them. In this respect the proper study of womankind was woman. If it were well to have women doctors for physical disease, it was equally important that many of the doctors of crime should be women. They would best study the facts of the case, and thread their way back to the causes that corrupt women ; and so far society had not begun this important part of the duty of woman. In Massachusetts, the Board of the Lancaster Reformatory for girls was composed entirely of gentlemen ; ladies had made repeated efforts to get some of their own sex appointed on that Board, but all the gentlemen opposed them vigorously.

Mrs. Lewis said that as there were more criminals than were convicted of crime, we ought to remember that we could deal only with convicted criminals. There ought to be something in the treatment of convicted women different from the treatment of convicted men. She wished she could take the ladies from America to the secondary prison at Fulham, to which women were sent from Millbank. When you entered the prison at Fulham, the idea of its being a prison was entirely taken away from you. There were four stages of treatment. In the first the women were kept entirely distinct ; in the second they were allowed to see each other, but they must not speak with each other after certain hours ; in the third they saw and might speak to each other ; and in the fourth they worked together. If we could see the women working together we should lose all idea of their criminality but for one thing, and that was that the idea of innocence seemed to have left their faces for ever ; there was not one face that gave you an idea of innocence. Unfortunately in the case of women there was usually some other fault associated with theft or misdemeanour ; they were mostly prostitutes ; and this was the reason that there was something of a special character to be done in the reformation of women. That reformation must be such as to enable them to maintain themselves without again falling into crime. For these reasons association with ladies could scarcely be frequent enough. Her

own visit to Fulham was something quite novel. A lady visitor had not been seen for months. She could see as she entered the wards, and as she spoke, that her visit produced a cheering impression, even upon the officers. One of them said half her body was covered with sores, from conflicts she had had with prisoners from Millbank. In reply to a question as to the effect of long cellular confinement upon those who had lost their status in life, and who had nothing to sustain them from within, it was stated that in many cases it caused such an excess of despair and misery, that it led women to tear every particle of dress from their bodies. The conclusion to be drawn was that the prisoners should be visited as often as possible, and that lady visitors could not be admitted too often. The training at Fulham enabled women to earn their living when they left, and there was a fund out of which deserving women were assisted to rehabilitate themselves on their discharge.

Miss Carpenter said the description given by Mrs. Lewis of the condition of women in prison confirmed that contained in the dreadful volume called 'The Prison Matron;' and the question arose,—Were women to be brought to such a state that they would tear off every atom of their clothes if they could, when they were wild with despair? Did not this show that there was something absolutely wrong in the system? No woman could be in a healthy physical condition who was locked up in a cell for a number of months. She was not prepared to say what Government ought to do; but she was anxious to bring out the fact that women required different treatment from men. In a reformatory, girls were more difficult to manage than boys; she would rather manage two boys than one girl. The mere fact of men having anything to do with them was absolutely bad. She thought the Government ought to form a council of educated and intelligent ladies, who should try to bring about the adoption of better principles in our convict prisons, and secure the sympathy and co-operation of the higher class of women in the management of our prisons, and in the reformation of our erring sisters.

Mr. J. A. Bremner said that because the work to be done was one of love and mercy, it could only be done effectually by women. It was only women who could approach the better

feelings of women; and we had made a great mistake in this country that we had not earlier recognised the necessity of engaging women in work of this sort. As one of the visiting justices of Manchester he would say, that if ladies were to be visitors, they ought to have an official position; otherwise they would evidently be liable to the charge of interference with the discipline of the gaol. The Prisoners' Aid Society of Manchester had been moderately successful in reclaiming men; but with the women they had utterly failed, so much so, that they had ceased to consider the case of women at all. Could there be a stronger argument for the necessity for other machinery?

Mr. W. Harper (Bury Reformatory, Lancashire) heartily endorsed the remarks made by Miss Carpenter, as to the absolute utility of female superintendence in the case of young boys; and he was quite sure that ladies must understand better than men the treatment of their own sex. Men had failed utterly, and he hoped that before long ladies would have their turn.

The Rev. W. T. Crombleholme (St. Ann's Industrial School, Ashton-under-Lyne) said that as a manager of an industrial school for boys, he felt it was quite necessary that there should be a woman a good deal with them. He believed it was quite impossible to reform women and restore them to society otherwise than by female agency. No female prisoner should be taken direct from prison to any private house. He would attach to every prison a committee of ladies, whose business it should be to see the prisoners often. A very great proportion of children born in prison and in workhouses, or sent to workhouses, died before they were seven years of age, and it was because they had not motherly care.

Lady Bowring did not think there would be a second opinion in the meeting as to the desirability of appointing properly qualified ladies to take part in the management of prisons and reformatories. At Golden Bridge the results were attributed in great measure to the Roman Catholic religion; but there was no reason why Protestants should be behindhand in this respect. A woman felt more acutely than a man how low she had fallen, and the difficulty she would have in returning to society; and it behoved us to hold out our arms more leniently than we had done hitherto to criminal and fallen women. A

woman felt utterly lost, and in her despair she went from bad to worse. It was of the utmost importance that lady visitors should be officially qualified, or they would be absolutely powerless. Of course women would require training in some respects; but still they had a very considerable aptitude for such work.

The following is that part of Mr. J. A. Bremner's official report which relates to the subject of lady visitors:—

A general and hearty assent was given to the view forcibly enunciated by Miss Carpenter, that the reformation of women is essentially the province of woman. Commencing with the very young, it was held that great advantage would arise from girls' reformatories being placed in the charge of women; indeed, in everything affecting the reformation of children, the female element, on the point of management, should be introduced.

Concerning adults, Miss Carpenter considered it desirable that in all prisons where there are women there should be lady-visitors—that is, women of education and high moral purpose, to visit the female prisoners, and to bring salutary influences to bear on their hearts and minds. Just as the rehabilitation of criminal women, and their restoration to a life of honesty are more difficult than is the case with men, so the more urgent the adoption of the best, indeed the only, means of accomplishing this—namely, by the agency and work of Christian women.

Evidence of the necessity for the adoption in practice of these views was given by other speakers, from the experience of such institutions as Millbank, Fulham, and Woking, which, however excellent in themselves, and admirably administered, lacked one thing needful—women visitors; not only to awaken the better feelings of the female convicts, but to encourage the prison officers. This view received further support from the fact that the management and visitation of female prisoners by men, in moral results, had hitherto failed; whereas, in institutions such as Golden Bridge and the Carlisle Refuge, the plan of control and supervision by women had been attended by the happiest results. The speakers also insisted that ladies or educated women appointed to the work of visiting female prisoners should have a recognised official status, giving the right of

entrance to the prison at all convenient seasons, as in the case of visiting justices.

Mrs. Howe, Miss Faithfull, Mr. Bremner, and others having spoken in support of these views, the following resolution was unanimously adopted—namely, ‘That it is highly important that women should be officially engaged in the supervision and management of female prisoners, as the best means of promoting their reformation.’

VISIT OF THE HOME SECRETARY.

The Right Hon. H. Austin Bruce, M.P., Secretary of State for the Home Department, paid a visit to the Congress on July 6. He said he regretted exceedingly that the absorbing nature of his duties—always sufficiently severe, but doubly so at this period of the present Session of Parliament—had prevented him from paying his respects to the meeting sooner. The fact that he was in the House of Commons that morning at half-past two o’clock, and had been there since two o’clock in the afternoon of the previous day, might perhaps plead for him by way of excuse. He was very thankful for the early opportunity he had had given him of conveying to the foreign gentlemen who had been so good as to come over to this country and detail the results of their experience, the thanks of the Government and his own high appreciation of the spirit in which they had undertaken this task. They had come across the Atlantic and from all parts of the Continent on an errand of humanity, to endeavour to do something towards the diminution of the social evils by which, more or less, all countries were affected. He trusted that this country would be able to learn something from the wide experience of the gentlemen who attended the meeting, and that, on the other hand, those gentlemen who had come from abroad would also derive some benefit from what they saw in England. The problems were of the greatest interest, and also of the greatest difficulty. No *à priori* arguments would avail on the question ; it was experience, and experience alone, which would decide which was the best plan of dealing with criminals. It was a great satisfaction to him that it was not any increase of crime in this country that had led the Congress to assemble here ; and he hoped that the delegates

from abroad would be able to give an account of such a diminution of crime in their countries as was experienced in this. It was to him not only a matter of congratulation, but also of deep thankfulness, that in the face of many apparent reasons for a contrary condition of things, there had been of late years in this country an extraordinary diminution of serious crime. The system of transportation of our criminals to other countries had now entirely ceased, and it might have been expected that the prisoners, who since that cessation of transportation had been turned loose in this country, would return to their old associations. But instead of there being an increase, there had not only been a decrease of crime relatively to the increased population, but a considerable decrease in all the graver classes of crime. To this fact the able director of convict prisons who was present would be able to testify. He was far from saying that this arose from any repressive measures on the part of the State. He was persuaded that the main cause was a different one, for he was perfectly satisfied that the labours of good men in past and present times had not been fruitless. The efforts of those who had instituted industrial schools, reformatories, penitentiaries, discharged prisoners' aid societies, and similar institutions of that character, had prevented the relapse of a vast number of criminals; and the diffusion of knowledge among the people and the spread of education had enabled people to distribute themselves over the world, and avoid, to some degree, that great temptation to crime—extreme poverty. All these concurrent influences had doubtless had much to do with the diminution of crime. Much, too, was due to an improved police system, and also to the system now adopted in prisons. There was the most satisfactory evidence on all sides of the advantages both of the deterrent and reformatory parts of our system. Of late years, prisoners sentenced to long terms had received not only intellectual but industrial training, and this had been fraught with the happiest results. Some thought the reformatory system should be carried further, and some thought our deterrent system was not sufficiently severe. Those points appeared to him to be the main subjects for discussion. It was not his intention to express any decided opinion one way or the other; but the Government was only too glad to see able representatives of all countries assembled for the purpose of

considering such problems as these; and the Government would be glad to watch the discussions and learn something from the Congress on these and other points. It had been complained that the Government had not taken an active part in the Congress. He could only reply by saying that it was not the custom in this country for the Government, as a Government, to take a part in such matters. He begged, on the other hand, to give the strongest and clearest denial to the statement that the Government was indifferent to the labours of the Congress, and had not been willing to supply them with the fullest information. In fact, the opposite was the case. It was true that, after deliberating on the subject, the Government considered that they would be best fulfilling their functions by abstaining from taking an active part in the meeting. They nevertheless desired to give the delegates every facility for the study of our system, and to place at the disposal of the Congress the fullest official information. He trusted that the able and distinguished gentlemen who had honoured this country with their presence would visit our convict establishments and thoroughly examine the system, and would, as he was sure they would, fearlessly and openly express their opinion upon it. The Government desired not panegyric, but intelligent criticism, so that the system might be improved. Although he had spoken in terms of congratulation on the steady diminution of crime in this country, he hoped that this, instead of serving to lull authorities and philanthropists into a false security, would serve rather to increase their watchfulness and stimulate their exertions. England had succeeded in doing much in the face of an increasing population in the towns, where the difficulty of dealing with crime was greater, and did not despair of doing more. If she should be enabled to make marked improvements in the present system, he should be glad indeed if he could trace that improvement directly to the operations of the eminent and distinguished assembly which he had met in that hall.

The Chairman (Mr. G. W. Hastings), on behalf of the Congress, thanked Mr. Bruce for his attendance, which was an authoritative answer to the supposition that the Government were indifferent to it. The Chairman subsequently (Mr. Bruce having left) said the right hon. gentleman had suggested the

desirability of statistics of reconvictions in different countries for some years past. In his own county, which probably did not differ from other parts of England, the rapid diminution of crime had been surprising. At the Midsummer Sessions there were only twenty prisoners, while a few years ago forty would have been reckoned a small number. He attributed this to the operation of the Habitual Criminals Act. It was desirable to know whether the systems at work in other countries were tending to a like result.

AID TO PRISONERS IN HOLLAND.

Baron Mackay wishes it to be stated that in the Netherlands since 1823 there exists a society for the improvement of prisoners, of which one of the founders (the venerable M. Suringar) is still alive.¹ Its object is to aid the prisoner in prison, and after he leaves it. In the prisons the society visits the prisoner, gives him good books, and used to provide partly for his education. The society also started a reformatory for young delinquents in 1840. At present both the instruction and the reformatory are managed by the Government. When the prisoner leaves the prison the society tries to get him a situation, gives him clothes and working instruments, and occasionally pays for his emigration. Especially juvenile offenders are subjected to the care of the society. In the city of Leyden the society had an institution to educate young discharged prisoners for the navy. Unfortunately the Government did not admit as volunteers discharged offenders into the service, and it had therefore to be given up.

The society has many branches in different places in the Netherlands, and in sundry towns it has ladies' committees, to visit female prisoners, and to promote their getting situations after their discharge. Experience has shown how eminently fit ladies are for these duties. On the penitentiary system the society has exercised considerable influence. As early as 1830 it agitated against all corporal punishment; and on the introduction and extension of the cellular system in 1851 and 1854, it exercised considerable influence.

¹ M. Suringar has died since the Congress.—Ed.

THE CONCLUDING MEETING.

At this meeting the chair was taken by the Right Hon. Sir John Pakington, Bart., M.P., who, in opening the business, took occasion to deprecate any proposal to adjourn the Congress for the purpose of discussing the question of the death-penalty, and that of the connection of crime with the use of intoxicating liquors as beverages.

Before the reading of the report Dr. Wines presented to the Congress a number of printed documents, in doing which he said: I have the honour to offer several publications, which I beg the Congress to accept as the contribution of America to its labours and investigations. The number of copies offered is sufficient to supply every member of this body with one copy of each. The publications thus presented are as follows:

I. 'Preliminary Report of the Commissioner appointed by the President to represent the United States in the Congress.'

II. 'Sketch of the Origin and History of the State Penitentiary, Philadelphia, Pennsylvania,' by Richard Vaux, President of the Board of Inspectors.

III. 'Introductory Report to a Code on Prison Discipline and Reform, together with the Text of the Code itself,' by Edward Livingston. Published by the National Prison Association of the United States, from funds specially furnished for that purpose.

IV. 'Memorandum on the Prisons and Reformatories of the United States of America, drawn up at the request of the National Committee of the International Penitentiary Congress,' by F. B. Sanborn, Member of the Massachusetts Board of State Charities.

V. 'Report on the Penal and Reformatory Institutions of the State of Maryland, made to the International Penitentiary Congress of London,' by G. S. Griffith, a Commissioner of the said State.

Dr. Wines proceeded to say: I have the further honour to present to the Congress, in the name and by the courtesy of the distinguished author, several copies of a pamphlet under the following title: 'Observations relatives au Congrès pénitenti-

tentiaire de Londres, présentées à l'Académie des Sciences morales et politiques, par M. Charles Lucas, membre de l'Institut.' As the observations of M. Lucas were addressed to the Academy, and will not therefore be embodied in the proceedings of the Congress, and as they lack nothing of the value that would naturally attach to them from the long study and eminent ability of the writer, I ask the indulgence of this body in offering a brief *résumé* of the important document submitted by him.

M. Lucas remarks that such reunions as the Congress of London are a necessary consequence of the two laws of the sociability and perfectibility of man, which in an advanced civilisation require the international exchange of ideas for the moral progress of humanity, just as they do that of material commodities for the increase of national wealth. International Congresses show the respective conditions of nations as regards their intellectual and moral development, in the same manner as international industrial exhibitions do the comparative results of their economic development. Heretofore, he says, there have been Congresses of Governments and Congresses of peoples, but the Congress of London is original and unique, in that it combines both these elements. After a rapid glance at the work of organizing the Congress, M. Lucas proceeds to offer some general considerations in relation to the subject. He says that Beccaria and Howard were, and ought to have been, philanthropists, for that character was demanded of them by the cruelties of both the criminal law and the criminal administration of their age. But the times have happily changed since then, and with them ideas and usages as well. Man, in the state of penal servitude, is no longer a thing, but a moral being, whose liberty human justice has not the right to confiscate absolutely and irrevocably, but only within the limits required by the protection and security of social order. The logical sequence of this view is that it is the duty of society to reform the criminal during his temporary privation of liberty, since in this way only can the peril of his relapse be successfully combated, and the public safety effectually maintained. The reformation of imprisoned criminals is not, therefore, in our day, a work of philanthropy, but an obligation of the State.

M. Lucas claims that the discipline of the Catholic Church furnished the model for both the cellular and associated systems of imprisonment, since known as those of Pennsylvania and Auburn, save that the Auburn system added corporal chastisements to the discipline of silence, and the Pennsylvania system subtracted worship in common, to the detriment of religion, and associated exercise at the expense of humanity. M. Lucas recalls to the memory of the Academy the discussion of the 10th, 17th, and 24th of February, 1844, in which, single-handed, he contended against the three ablest supporters of the Pennsylvania system in France—Messrs. Béranger, De Tocqueville, and De Beaumont. It was not that he was absolutely opposed to isolation by day and night, since in his ‘Theory of Imprisonment,’ published in 1836, he was the first to propose the application of the cellular system to prisoners awaiting trial; and, in the sphere of imprisonment after sentence, he would not wholly exclude the use of the system, but would restrict its duration to one year. It was at the point of departure from this limit that the controversy began between M. Lucas and his distinguished associates, they contending for an unlimited and he for a restricted application of the cellular system. The inadmissibility of isolation in long imprisonments he grounds on the following considerations: Man is born sociable and perfectible, and it is by the action of his sociability that his perfection is secured. Isolation is, therefore, a denial of the necessary process for his perfection; it is a violence done to his nature, which cannot be safely prolonged for any great length of time. Experience must infallibly confirm this philosophical demonstration, since the education of any being whatsoever is but the development of his nature. Penitentiary education must act with the certainty of enlightening and invigorating the intelligence of the convict, and not by exposing him to the peril of weakening and even of destroying that essential instrument of his regeneration. Cellular isolation, in effect, does not permit either the initiative, the effort, or the probation, without which there can be neither morality nor moral reformation (*ni moralité ni moralisation*).

M. Lucas discusses in his pamphlet the proper number of prisoners to be admitted into any one penitentiary establishment, and arrives at the conclusion that four hundred is the

maximum that can be treated effectively for their reformation. He grounds this belief on the consideration that only a moderate number of prisoners will permit that serious personal influence which, in order to their reformation, must be exercised upon them by the director and his co-labourers. He adds that, during his long administrative career as Inspector of French prisons, he never ceased, but always in vain, to cry out against the agglomeration in the central prisons, as creating an impossibility of penitentiary reform; and asks whether any one can suppose that in those immense barracks of ten, twelve, fifteen hundred prisoners, the director can know them otherwise than by their numbers? Where is the use, he says, of talking of penitentiary reform, when it is rendered impossible by such numbers of prisoners congregated in the same prison? In short, M. Lucas finds the following to be the essential conditions of a reformatory prison discipline, namely—isolation at night; the rule of silence during the day; a maximum of four hundred prisoners in any one establishment; and progressive classification.

Mr. Hastings then read the following report:—

The International Committee congratulates the members of the Congress on the success which has attended this first effort to bring together representatives from the various countries of the world for the collection of information, and for the discussion of questions, relating to prison discipline. It cannot doubt that if future Congresses for the same objects are held, as is to be desired, the experience of the meeting now about to close will be valuable in suggesting improvements in organization. But the Committee believes that the results obtained are on the whole highly satisfactory. These will appear in a permanent form in a volume of Transactions, for the publication of which the Committee has made arrangement.

The thanks of the Congress are eminently due to the Governments of those States which have been represented here by Official Delegates, and whose various prison systems have been described in reports, for the most part of a voluminous nature, officially prepared for the use of this meeting. These States are twenty-two in number, and their names are subjoined in alphabetical order:—

Austria, Baden, Bavaria, Belgium, Brazil, Chili, Denmark,

France, Germany, Greece, Holland, Italy, Mexico, Norway, Prussia, Russia, Saxony, Spain, Sweden, Switzerland, Turkey, United States of America.

The Committee also expresses its obligations to the Government of Her Majesty for the facilities afforded to the delegates for the inspection of the convict and other prisons, and for the information given to the meeting, especially by Major Du Cane, the head of the Convict Department, who has attended the sittings of the Congress, and spared no pains to elucidate the working of the system under his care. The Congress was much gratified by the presence of the Secretary of State, the Right Hon. H. A. Bruce, at one of its sittings, and by the assurances he gave of the interest felt by the Government in the objects of the Congress. A still more flattering recognition was afforded by the presence of the Prince of Wales at the soirée held in this hall on the evening of Tuesday the 9th, when the leading Delegates from most of the countries represented at the Congress were introduced to His Royal Highness.

Our thanks are also due to those Courts of Quarter Sessions, Benches of Magistrates, Prison, and Reformatory Authorities, which have sent representatives to the Congress, who have constituted, together with some individuals named by the English Committee of Preparation, the Delegation of the United Kingdom.

The Committee desires to express publicly its grateful acknowledgments to the Bench of the Middle Temple, for the liberality and kindness which have been shown to the Congress in granting the use of this noble Hall and the adjoining room, whereby the proceedings have been greatly facilitated. The Committee must also thank the Incorporated Law Society, the Society of Arts, and the Social Science Association, for the accommodation placed at its disposal.

The business of the Congress was divided for six days into three Sections, of which the first dealt with the criminal previous to imprisonment, the second with the prisoner during the time of his incarceration, and the third with the discharged prisoner. A large amount of information from various countries was contributed during these discussions, and it is believed by the Committee that valuable materials for future comparison and research have thus been brought together.

During the two last days the Congress has sat in two principal divisions, a French-speaking and an English-speaking section, for the purpose of examining into the different penitentiary systems of various countries. The discussions were careful and exhaustive; Sir Walter Crofton, Major Du Cane, and M. Stevens gave accurate accounts of the Irish, English, and Belgian systems, and the Committee believes that not only has much valuable information been acquired by members of the Congress, but that a very general agreement has been arrived at on the leading principles of prison discipline.

During these days two other Sections have sat, in one of which reformatory questions have been discussed, and in the other those relating to the work that may be done by women in connexion with the management of prisons. Reports of the proceedings in all the Sections have already been presented to the Congress by the official reporters appointed for that purpose.

The Committee did not think it advisable that votes should be taken on the matters of opinion which were discussed in the Sections. Such votes could have represented nothing but the personal views of those who happened to be present at any given moment in a fluctuating assembly, largely composed of irresponsible persons, who might or might not have had any real knowledge of the question under discussion. But it had from the first resolved that it would endeavour to formulate in this report the prevalent views enunciated in the Congress, to express the spirit of the meeting, not on matters of detail, but as to some of those leading principles which lie at the root of a sound prison discipline, and which must animate any system, whatever its nature, which is effective for the reformation of the prisoner and the consequent repression of crime.

Recognising as the fundamental fact that the protection of society is the object for which penal codes exist and the treatment of criminals is devised, the Committee believes that this protection is not only consistent with, but absolutely demands, the enunciation of the principle that the moral regeneration of the prisoner should be a primary aim of prison discipline. To attain this aim, hope must always be a more powerful agent than fear; and hope should therefore be constantly sustained in the minds of prisoners by a system of rewards for good conduct and industry, whether in the

shape of a diminution of sentence, a participation in earnings, a gradual withdrawal of restraint, or an enlargement of privilege. A progressive classification of prisoners should, in the opinion of the Committee, be adopted in all prisons.

In the treatment of criminals, all disciplinary punishments that inflict unnecessary pain or humiliation should be abolished; and the penalties for prison offences should, so far as possible, be the diminution of ordinary comforts, the forfeiture of some privilege, or of a part of the progress made towards liberation. Moral forces and motives should, in fact, be relied on, so far as is consistent with the due maintenance of discipline; and physical force should be employed only in the last extremity. But in saying this, the Committee is not advocating unsuitable indulgence, which it believes to be as pernicious as undue severity. The true principle is to place the prisoner—who must be taught that he has sinned against society, and owes reparation—in a position of stern adversity, from which he must work his own way out by his own exertions. To impel a prisoner to this self-exertion should be the aim of a system of prison discipline, which can never be truly reformatory, unless it succeeds in gaining the will of the convict. Prisoners do not cease to be men when they enter the prison walls, and they are still swayed by human motives and interests. They must, therefore, be dealt with as men—that is, as beings who possess moral and spiritual impulses as well as bodily wants.

Of all reformatory agencies religion is first in importance, because it is the most powerful in its action upon the human heart and life. Education has also a vital effect on moral improvement, and should constitute an integral part of any prison system. Steady, active and useful labour is the basis of a sound discipline, and at once the means and test of reformation. Work, education, and religion are consequently the three great forces on which prison administrators should rely. But to carry out these principles individualisation becomes essential; prisoners, like other men, must be treated personally, and with a view to the peculiar circumstances and mental organization of each. The Committee need not say that to carry out such views prison officers are required who believe in the capacity of prisoners for reformation, and enter heartily into that work.

They should, as far as possible, receive a special training for their duties, and should be organized in such a gradation of rank, responsibility, and emolument as may retain experience and efficiency in the service and lead to the promotion of the most deserving.

But if a sound system of prison discipline be desirable, it is no less expedient that the prisoner on his discharge should be systematically aided to obtain employment, and to return permanently to the ranks of honest and productive industry. For this purpose a more comprehensive system than has yet been brought to bear seems to be desirable.

Nor can the Committee omit to say that it is in the field of preventive agencies, such as general education, the establishment of industrial and ragged schools, and of other institutions designed to save children not yet criminal, but in danger of becoming so, that the battle against crime is in a great degree to be won. In this, as in the general question of the reclamation of the guilty and erring, the influence of women devoted to such work is of the highest importance; and the Committee rejoices that this Congress has had the advantage of the presence and counsel of many ladies whose practical acquaintance with prisons and reformatories has given weight to their words, and whose example furnishes hope for the future.

Lastly, the Committee is convinced that the systems of criminal statistics now in force stand in urgent need of revision. Greater uniformity should be secured, and means taken to ensure a higher standard of accuracy and trustworthiness in this branch of the statistics of different countries.

For this purpose the Committee has taken upon itself to appoint a permanent international Committee to communicate with the various Governments, and to draw up a uniform scheme of action.¹

The report, signed by Mr. Hastings, was then laid on the table.

Mr. Hastings, in moving the adoption of the report, added the expression of his hope that, in any international scheme of prison statistics which might be devised, especial care would

¹ This committee consists of the following gentlemen:—Dr. Wines (Chairman), M. Beltrani-Scalia (Secretary), Dr. Frey, Dr. Guillaume, G. W. Hastings, Esq., Baron von Holtzendorff, M. Loyson, M. Pols, Count Sollohub, and M. Stevens.

be taken to insure trustworthiness in the statistics. At the present time such statistics were in a great measure delusive, because no guide was afforded by them as to the circumstances under which they were taken. Sir Walter Crofton had pointed out, in the French-speaking section, that the number of re-convictions was a very imperfect test of a system; the question was, not what were the number of re-convictions, but under what circumstances did they take place? If we had to deal with a set of ardent offenders, who had been often committed already, most probably we should have a high rate of re-conviction, whatever the system might be; whereas, if we had a large number of average criminals, the percentage of re-convictions would naturally be less.

Hon. Governor Haines said he felt greatly honoured by being asked to second the motion to adopt the report; and he did so with great pleasure. The committee had, he thought, been very successful and very happy in deducing from the discussions of the various topics, and the expressions of the divers opinions of those representing so many different countries and so many different systems, the propositions now presented. They were comprehensive, yet specific; broad enough to cover every view, yet sufficiently minute for all practical purposes. They did not and should not prescribe the precise manner in which they were to be applied, but submitted that to the peculiar views and circumstances of each country. They constituted an organic rule of action, which, while applicable to all, was adjustable to each. They might be termed the constitutional law, to be enforced by more particular enactments. It was to be hoped that the motion to adopt the report would receive the unanimous vote of the Congress.

Miss Carpenter said it was impossible to comprehend the very great importance of this Congress. It inaugurated absolutely a new era in the history of civilisation; and acknowledged that those who had hitherto been excluded from society were to be regarded as part of society and to be restored to it. The Chairman would recollect that, when he presided over a committee on juvenile delinquency, it was most difficult to persuade the members of the committee and the public that even children ought not to be severely punished for crimes, and their reformation was deemed quite a secondary consideration. As

a witness she was asked, 'Do you not consider that children owe retribution to society?' and she answered, 'Society owes retribution to them.'

Mr. A. Powell (New York) expressed his concurrence in the remarks of Mr. Hastings and of Miss Carpenter, and his disappointment that the report was silent on the subject of the death penalty, and on that of the liquor traffic.

The Chairman reminded the Congress that the report was the unanimous report of an essentially representative committee, which consisted of one delegate from each of the many nations represented; and that such a committee, after several days' discussion of subjects of the deepest interest, as well as complicated and difficult, had adopted a unanimous report, distinguished by breadth and comprehensiveness, was a fact on which the Congress might be congratulated as a satisfactory termination of its proceedings. Such a unanimous agreement fairly justified the conclusion that the discussions had not been in vain. Great principles of conduct had been unanimously adopted by those who had the best means of considering the discussions that had taken place; and it was therefore a matter of satisfaction and thankfulness that the interesting debates had not been unproductive of good result.

A conversation ensued on a proposal to adjourn the Congress to Monday, for the purpose of discussing the questions of intemperance and of the death penalty—a proposal which, it was ruled, could not be entertained, because the duration of the Congress had been definitively fixed beforehand.

The adoption of the report was put, and agreed to.

Dr. Wines then reported a unanimous and cordial resolution from the International Committee, of thanks to its Chairman, Mr. Hastings, for the constant and valuable services he had rendered.

Archbishop Manning, in seconding this vote of thanks to Mr. Hastings, said their thanks were due not only to those who had come from all countries to the Congress, but also to those who, being on the spot, had laboured incessantly, not only during the last three weeks, but for a long time past, in preparing for the Congress; to them thanks were greatly due for their great industry and close application, and, he must say, for the happy termination of the Congress. He, for one,

should have been glad if the Congress, after full deliberation, had expressed an opinion on the subject of intemperance ; but he was bound to say that the ruling of the Chairman was the only one that was possible under the circumstances. He hoped the exclusion of the subject would not be attributed to any failure to appreciate its importance.

A subsequent resolution proposed a vote of thanks to Mr. Pears, the Secretary of the Congress.

The Chairman said he could not put these resolutions to the meeting without adding an expression of his own deep sense of the valuable and important assistance the Congress had received from Mr. Hastings and Mr. Pears, and his belief that had it not been for the happy combination of zeal and ability, which had distinguished their exertions, the proceedings of the Congress would not have been so satisfactory as they had been.

Mr. C. Aspinall proposed a vote of thanks to Dr. Mouat for his invaluable services during the Congress—services which needed only to be named to call forth a cordial response from the meeting.

Baron Mackay, in seconding this, took occasion also to make recognition of the valuable assistance of Sir W. Crofton and Major Du Cane. He represented a foreign Legislature which had not yet adopted a system of prison discipline ; therefore he had listened with great attention to all proposals and the arguments by which they had been supported ; and he was sure that in his country the volume of Transactions, which they would owe to the editorial care of Mr. Pears, would be carefully read and digested. England and Ireland were in possession of a system ; and on the Continent that compliment could be paid only to Belgium. This fact showed that the people of other countries had not yet made up their minds, and was in itself a justification of this Congress. Differences of nationality could not account for the wide discrepancies of opinion and experience as to separate confinement.

Dr. Guillaume proposed a vote of thanks to Dr. Wines. The conference had begun with him, and it should end with an acknowledgment of his efforts. He represented the Anglo-Saxon race, the champion of humanity and of all that concerned the well-being of the human family. That race stood foremost in the new order of civilisation, which was dawning on the world, and by

the arbitration at Geneva it had set an example to all countries of a pacific settlement of differences and the abolition of that greatest of crimes, war. Switzerland was grateful to England and the United States for having chosen it as the seat of that tribunal, and it was a good omen that Geneva, the cradle of the organization for the succour of the wounded on the battlefield, should be the scene of a great international arbitration. The abolition of slavery in America, the Geneva arbitration, and this Congress for the reformation of prisoners were gratifying tokens of the new order of things.

Dr. Marquardsen, on behalf of the German delegates, seconded the motion. Before the Congress met they all felt that Dr. Wines was the heart and soul of the undertaking, and now that it had closed they were sensible that to him they had been deeply indebted for its satisfactory progress and conduct. The German Reichstag, of which he was a member, would shortly be engaged in framing a general law of prison discipline, and he trusted that the law would show many traces of the beneficial results of this Congress.

The Chairman in putting the resolution testified to the important part Dr. Wines had taken in convening and carrying on the Congress.

Dr. Wines said the remarks which had been made and the vote which had been passed were more than a reward for all the toil and anxiety which he had undergone during the three years he had devoted to preparing and organizing the Congress. It had in all respects surpassed his expectations, and he assured them of his best wishes for the successful prosecution of the great work of penitentiary reform in the various countries whence they came and which they so ably represented.

Mr. Hastings proposed a vote of thanks to Sir J. Pakington for presiding. No English statesman could more fitly have occupied that position. Prior to being called on by his Sovereign to those high offices which he had filled with so much honour to himself and advantage to the country, he was for twenty-five years at the head of the Worcestershire quarter sessions, and was universally acknowledged to be one of the ablest and most competent chairmen that county had ever had. His experience in all matters connected with the administration of the criminal law had been immense, and he had always

advocated in and out of Parliament improvements in prison discipline, and every measure for the prevention of crime and the reformation of the criminal.

Dr. Mouat seconded the motion, concurring in all that Mr. Hastings had said.

The Chairman in responding said he had been glad to be of any use in promoting the success of the Congress. He hoped that the distinguished persons who had come from other countries, and had devoted their high character and ability to the great objects in view, would reflect with pleasure on whatever they had seen and heard, and would feel justified in thinking that the purpose of their mission had been as much forwarded as the short duration of the Congress could warrant them in expecting.

PART III.

PAPERS AND ABSTRACTS OF PAPERS PRESENTED
TO THE CONGRESS.

PRISON SYSTEM OF INDIA.

BY FREDERICK J. MOUAT, M.D.

Historical Retrospect.—The prison system of India, like British rule in that country, has grown up by degrees, until, as the Empire was consolidated and order introduced in all departments of the Government, the treatment of criminals took its place among the recognised branches of the judicial administration.

In the beginning, when the laws were imperfect, their administration defective, the courts few and far between, and the rulers gradually acquiring a knowledge of the strange country and stranger people they were called upon to govern, the subject of prison discipline attracted little attention. Places of detention for those who had committed crimes were constructed, and were placed in the charge of judicial officers. Rules for the guidance of these officers were from time to time issued by the Government and the higher judicial courts, but these had no authority to enforce obedience to them, and each officer in charge of a prison did very much as he pleased with the criminals of his district. The real charge of the prisons was in the hands of ill-paid native subordinates, and abuses of every kind, as might have been expected, prevailed.

The members of the Indian Civil Service were sent out to the country too early in life to acquire any real knowledge of law and justice, and were armed with an amount of practically uncontrolled authority, that was, on the whole, wonderfully little abused. Few of the judges or magistrates had time to attend to the gaols, and fewer still possessed any taste or aptitude for the work. There are traces, however, in the earlier judicial

records, and in many of the circular orders issued, of large, liberal, and enlightened views, the work of a few earnest and judicious administrators. There was, however, no order, method, or system in the management of criminals, punishment and reformation being alike disregarded.

In this manner, with occasional intervals of a temporary awakening to the need of some better regulation of prisons both in construction and control, matters drifted on, until in 1836 public attention was forcibly directed to the question by the late Lord Macaulay, then Law Member of the Supreme Council of India.

The murder of the magistrate of the district, who was at the same time governor of the most important prison in India, was the immediate exciting cause of the comprehensive and exhaustive inquiry that was at once instituted. Of the committee then formed, Lord Macaulay was a member, and the present Governor of Jamaica, Sir John Peter Grant, the Secretary and Reporter.

The evidence then collected showed the state of prison discipline in India to be nearly that of the second stage of prison reform in England. Attention was paid to the physical condition of the inmates of gaols; cleanliness was enjoined, and to a certain extent observed. The sick were provided with medical care and treatment; the clothing, food, and labour of the prisoners were regulated with some degree of system; and in the details of the internal economy of the prisons there were none of the scandalous shortcomings discovered by Howard in the prisons of Great Britain.

Enough, however, was elicited to prove the necessity of a thorough reform, and to show that the management of the prisons of India by judicial officers had failed to effect the ends intended by the Government.

The chief improvements suggested by Lord Macaulay's committee were: The abolition of out-door labour; the general introduction of in-door work; the inauguration of the separate system; the better classification of convicts; the careful separation of untried prisoners; the institution of central or convict prisons; and the regulation of the prison system generally by the employment of inspectors of prisons, whose whole time should be devoted to the work.

Of these recommendations, the last was the only one carried into full effect. An inspector was first appointed in the Agra Division of the Bengal Presidency. This gentleman, a member of the Civil Service, earnestly devoted to the work, desirous of discharging his duty efficiently, and possessed of exceptional capacity for the task entrusted to him, effected considerable reforms, but lamented, at the close of his career, the little he was able to do in consequence of the half-hearted support he had received from the Government.

The first prison inspector in Lower Bengal was appointed in 1853. He also was a member of the Civil Service, who handed over the department to me in 1855, with a note to the effect that it was a mass of disorder, irregularity, want of system, and abuse, the greater part of which he had not attempted to correct, as he considered any real reform to be impracticable with the existing construction of the prisons and the agency employed in their management. My early reports, written with all the reserve imposed upon Government officers, show how true an estimate my predecessor had formed of the department.

Of my own work for fifteen years, it is unnecessary for me to speak, as it is on record. My chief difficulties were want of funds, and the executive charge of the gaols being in the hands of judicial officers, of whom none had sufficient time, few aptitude for the work, and fewer still any inclination to attend to it.

The local Government gave me every support, but it had not funds at its command, and was itself controlled by the Imperial Government in a manner which paralysed all action in the way of progress. Financial considerations were no doubt the cause, and such considerations are of paramount importance in so vast a country as India, where the difficulty of balancing income and expenditure is so great, and where the injudicious or erroneous treatment of financial questions is a source of public discontent and danger.

But the real ground of opposition was not fairly stated, and attempts were made to set aside the principles of prison management now universally accepted, as not adapted to India.

The financial difficulty was more apparent than real, as I shall presently show, inasmuch as all required reforms could be effected without an additional charge upon the revenues.

In 1864, a second Commission was appointed to reconsider the whole question, on the ground that the full measure of improvement contemplated, and to which the Government was pledged, had never been carried out. The recommendations of this Commission, of which I was a member, referred to juvenile delinquents and reformatories; female prisoners and their treatment; the non-deterrent nature of the existing system, as indicated by the large number of re-convictions; the length of sentences, as tending to nullify their effects; the want of settled principles of gaol management; the necessity of a graduated system of labour, punishment, and reward; the massing together of criminals in central prisons; the applicability of the ticket-of-leave system to India; the removal of the causes of the great sickness and mortality; the education of prisoners; and prison statistics.

The recommendations of this Commission are supposed to be the basis of the existing prison system of India; but, as they are all more or less dependent on financial considerations, few of them have been carried into full effect.

I shall now proceed to delineate, in as few words as possible, the chief points of interest in the prison system at present in force in India. The great extent of the subject necessitates the avoidance of detailed figures. I shall content myself, therefore, with an unembellished sketch of a system which has some features of great excellence, but which, as a whole, is behind and below the standard contained in some of the excellent continental reports already submitted to this Congress, and is equally far behind that of Great Britain.

Laws relating to Prisons in India.—Very little special legislation has been devoted to prisons or prison systems in India. Rules to regulate prisons were from time to time made by the Supreme Council and the highest courts of judicature—usually without any direct sanction of law. The various Prison Acts which have been passed, down to Act XXVI. of 1870, are incomplete and imperfect, and nowhere lay down great leading principles of prison discipline. One of these Acts, however, which was passed in 1834, contained an important provision, abolishing corporal punishment, substituting fine in certain cases for labour—a mischievous measure now repealed—and arming the Government with authority to introduce

gradually a better system of prison discipline, 'calculated both to reform the convict, and, as an example to others, to deter from crime.' This Act was in force when the prison inquiry of 1836 took place, and, except in its worst feature, was a dead letter.

Prison Codes.—Nearly every presidency and province of India now has its gaol code drawn up under the sanction of the Prison Acts. That of Bengal was compiled by myself in 1863–64, and after being subjected to the scrutiny of two special committees and of the Government, was introduced in the latter year. It borrowed freely from all the existing European and Indian rules which seemed to me to be suited for introduction in Lower Bengal, and contained some special provisions based upon my personal experience, and study of prison systems at home and abroad. It was advisedly framed considerably in advance of the means of giving full effect to its provisions, in the hope and belief that the Government would gradually afford the agency and appliances necessary for its ultimate full introduction.

It defined in considerable detail the duties, responsibilities, and powers of all classes of prison officers; contained provisions for the classification and punishment of all classes of offenders; their management in sickness and in health; their food, clothing, work, instruction; and, in fact, every detail of discipline during their residence in gaol, their transfer from one prison to another, their discharge, and in the execution of capital sentences.

It contains sections specially devoted to rewards for well-conducted prisoners, and rules for the introduction of a system of intermediate imprisonment in Lower Bengal. The former continue in force—the latter have been repealed for reasons at present unknown to me. Considering the insufficient machinery allowed, they worked fairly well during my incumbency.

The gaol codes provide also for the registers, records, accounts and returns necessary for financial control, and for the collection of detailed prison statistics.

Since these rules were framed, the Government of India has introduced a system of remission of sentence as the reward of good conduct in gaol. Sufficient time has not yet elapsed to show the working of these rules. They were intro-

duced by the late Lord Mayo, and based chiefly on his knowledge and experience of what is known as the Irish system.

Prisons and Prisoners in India.—In the whole of India there were, in round numbers, in 1870, a daily average of about 57,000 persons in custody and confinement, exclusive of 7,600 life convicts in transportation at Port Blair, in the Andaman Islands.

The above figures represent an extremely large movement of prisoners, as the majority of sentences are for very short periods, and the proportion of acquittals to convictions after trial is larger than in Great Britain. I do not attempt to give the exact figures in detail, as it would occupy too much space.

For the accommodation of these prisoners there were in the same year about 228 gaols, and an indefinite number of lock-ups at small out-stations.

Of the above prisons, I know of but two which are entirely cellular—one at Ootacamund, the other at Hazareebaugh, both for European convicts. The remainder are built on every conceivable plan, and a large number of them are miserable mud structures, which are constantly being washed away by heavy rain, and as constantly provide work for the prisoners in repairing them—a genuine labour of Sisyphus.

A few of the prisons are radiating, and nearly all provide for the separation by night of male and female prisoners, and a certain rough classification according to time or sentence. All work is in association, with the exception of cases of disciplinary punishment and labour in cells, which are not numerous.

In some parts of India, the gaols are in the executive charge of medical officers—in others of judicial officers. The central gaols have each a special superintendent, usually a medical officer. These are about sixteen in number, and were intended for prisoners sentenced to rigorous imprisonment of more than one year in duration—but this intention is not strictly observed.

There are no reformatories, in the English sense of the word, for juvenile prisoners, and there are but two special prisons for women.

In neither of them is cellular imprisonment carried out. In

most of the compartments assigned to female prisoners in India there is no attempt at classification, and, in many cases, no separation even of the untried from the convicted.

Until very recently, there were few female warders, and even now it is doubtful if they are to be found in all the gaols.

With the exception of the medical subordinates, who are a special class, the ministerial agents of prisons are picked up wherever they can be found; have no special training; are, as a rule, corrupt and underpaid, and no systematic attempt is made to remedy these evils. The best and most efficient gaolers, with a very few exceptions, are discharged or pensioned soldiers of good character.

The cost of prisoners in India is low, averaging probably not more than 5*l.* per head annually. Economy has in this matter been practised at the cost of efficiency; the establishments allowed are nowhere sufficient, and more attention is devoted to the diminution of expenditure than to the carrying out of any sound and sensible system of discipline.

The officers administering the various local governments are armed with practically uncontrolled power of changing the details of prison management in their several provinces; and, as these officers are changed every five years, and there is no enlightened public opinion in India to correct and check them, empirical views of prison discipline are occasionally indulged in. It is only just, however, to state that this despotic power is very rarely abused, and that, except in questions of finance, the action of the several governments in India is invariably guided by humane and generous sentiments, however otherwise unsound the theories of some of the rulers may be.

Classification and Separation of Prisoners.—There are but two gaols in India which are entirely cellular in construction. The proportion of cell accommodation provided throughout the country, so far as I have been able to ascertain, does not exceed, if it amounts to, 10 per cent. of the prisoners in custody. This is scarcely adequate even for the punishment of breaches of gaol discipline, and does not provide the means of giving full effect to the sentences of the criminal laws in force.

In most gaols, prisoners under trial, civil debtors, revenue defaulters, and criminal prisoners, are in separate compartments. There is also special accommodation for women and for the

sick, and in a very few prisons children are separated from adults.

Prisoners under trial are associated together, a measure strongly condemned by Lord Macaulay's committee in 1836, on grounds of humanity and general policy which are as valid now as they were then.

The classification of criminal prisoners in general use in India is based on crime, as arranged and defined in the Indian Penal Code. This, in the associated system, is not of the smallest use in a moral or reformatory view. In fact, it brings together those whom it is most desirable on every ground to keep asunder. The only arrangement that can be attended with good effect is individual separation. This is much dreaded as a punishment, at once doubles the severity of every sentence, renders impossible the moral and physical contamination that naturally and inevitably results from association in the hours of idleness, when prisoners are removed from observation, and would cause a great saving of life that is now needlessly sacrificed. It enables the prison authorities to study each individual prisoner in a manner impossible in gaols which are not cellular, and is in truth, on every ground—moral, sanitary, and disciplinary—more necessary in India than it has been found to be in Europe and America.

Of the two special prisons for females in India, the one is near Calcutta, the other at Lahore. The construction of the former renders classification and separation impossible. There are not in a single district prison of Lower Bengal the means of separating women under trial from those who have been convicted, or of classifying the latter, so that a woman accused of theft, or of any trifling breach of the law, must associate with those who are habitual criminals, and those who have committed crimes of violence, for which the penalty of death has not been awarded, but who are sentenced for life.

No general measures of prison reform are possible until this state is remedied.

Civil Debtors and Revenue Defaulters.—Throughout India separate accommodation is found for civil debtors and revenue defaulters in the district prisons, where they are subjected to no further restraint than is necessary for their safe custody. They wear their own clothes, are fed by a money allowance

determined by the civil courts, their friends and legal advisers have nearly unrestricted access to them, and they only become subject to prison rules by acts of personal misconduct.

They are, as a rule, healthy in prison, and, so long as the law sanctions imprisonment for debt, and assigns simple imprisonment in the civil gaol as the penalty of certain infractions of the revenue laws, they have little to complain of.

In Calcutta funds were bequeathed for the relief of poor and deserving debtors by certain benevolent individuals, but as they are seldom needed for this purpose, a portion of them is occasionally granted to well-behaved destitute criminals on discharge.

Prison Statistics.—For some years past a large amount of attention has been paid in India to the subject of prison statistics. At the present moment, the results obtained form the most reliable collection of facts relating to the civil population of the British Empire in the East, in existence.

In 1856, I began to collect facts in the direction subsequently indicated by the International Statistical Congress, held in London in 1860, under the presidency of the late Prince Consort.

In 1864, the Bengal Prison Discipline Committee, in reviewing the subject, considered the system in use in Lower Bengal to be in advance of all the others in India, and recommended its general introduction. The Home Government concurred in this recommendation, but the Local Governments and Prison Departments in other parts of India professed to be unable to carry out the recommendation without a considerable increase of establishments, which the financial state of the country did not admit of. A Special Committee was accordingly convened to draw up a scheme that would secure uniformity with the means at command. This scheme falls far below the recommendations of the London Congress and the system in force in Lower Bengal, but is a decided and important step in advance, inasmuch as it is now in use throughout India, and for the first time has secured uniformity of record and of results.

It will be easy to extend it hereafter when it can be shown that money spent in collecting reliable facts in the details necessary for sound legislation, is a measure of economy, and that

no expense should be spared to collect such facts in all their bearings.

The information now gathered is divided into three categories—judicial, financial, and vital—and under each head a few of the most salient points of interest are recorded.

Prisons afford the best means of all existing institutions for collecting facts bearing upon the physical and moral relations of by no means the least interesting sections of all communities, savage or civilised—the criminal and predatory classes. Prisoners are so completely and absolutely under control, and have during the time of their incarceration so forfeited all liberty of action as to render it possible to subject them to a closeness of observation and examination impracticable with any other class. The interests of civilisation, of justice, and even of humanity, demand that these opportunities should be thoroughly and honestly utilised for the general welfare.

The vital statistics of the prisons of Lower Bengal since 1867 were drawn up in the manner suggested by Dr. Farr, the President of the Statistical Society of London, than whom no higher authority exists.

They show the average number of prisoners in custody; the number of deaths, and the causes of the deaths; the sickness rates; the average terms of sentence, and of duration of imprisonment; and the other general conditions necessary to show the incidence of sickness and mortality. In addition, and subsidiary to the facts collected by Dr. Farr's mode of procedure, the Bengal returns contained facts connected with age, sex, caste, religion, occupation prior to and during imprisonment, season, sentence, diet scales, state of health on admission and discharge, and the locality of imprisonment in their influence on sickness and mortality. Epidemic outbreaks of disease were considered with care and attention, and no effort was spared to render the returns as complete as possible.

The entire absence of a scientific and reliable system of judicial statistics, and the non-existence of a correct census of the people in any part of India, robs the prison statistics of a considerable portion of the value attached to the numerical method as an instrument of knowledge in regard to criminals arrested, brought to trial, and imprisoned. The facts, however, have an extrinsic value of their own, and should therefore.

continue to be collected with care and assiduity, without waiting for the larger calculations of which they are the complement.

Prison Labour.—The question of the employment of prisoners has been much and constantly discussed and considered in India. Prior to 1838, the chief occupation of criminals was extra-mural, either in making Imperial roads, or in station improvements. In the former they were employed in considerable numbers, were encamped or hutted, and were in charge of engineer officers. In the latter they were under the immediate charge of the district magistrates. During the enquiries which were ordered by the Government of India, it was elicited that this mode of employing prisoners was extremely unhealthy, that it was liable to great abuse, and was, in fact, much abused; that it was characterised by an entire absence of penal discipline; and that, while it was of questionable advantage to the State, it was abundantly detrimental to the criminals.

The intra-mural employment of prisoners was chiefly in prison occupations, and so much under the control of prison subordinates as to be generally abused, the rich, and those of high caste, purchasing or obtaining immunity; the poor, low caste, and friendless, being subject to tyranny and oppression. To remedy this, the Prison Discipline Committee of 1838 recommended the cessation of out-door work, and the general introduction of in-door labour in dull, wearisome, monotonous tasks, the evident intention of which was to inflict as much personal pain as could be safely inflicted without injury to health. Tread-wheels and cranks were accordingly introduced tentatively in Calcutta and at Deegah, but they failed, and were speedily abandoned.

At that time the doctrine of making prisons a terror to evil-doers by measures of coercion and severity, was in full force. The higher aim of reformation was neither entertained nor practised.

In 1843, the introduction of remunerative industry was enjoined by the Government of India, then administered by the late Earl of Ellenborough. The labour was to be regulated by **task-work**, each task being at least equal in amount to that performed by a fairly skilled artisan of the same class. It was **to be sufficiently severe** to keep the prisoners actively employed

during the day, with the intervals necessary for food and rest. It was not to be repugnant to the castes and religious customs of the prisoners.

Rules were subsequently framed, and are now in force, to classify the labour, to apportion it as much as possible to the sentence and crime of the prisoner, and to make it an instrument of reformation. This latter is accomplished by teaching each prisoner some form of handicraft that will enable him to earn an honest livelihood on release, and, by inculcating habits of industry, to counteract the idleness which is the proximate cause of much of the vice that leads to crime.

Remunerative prison industry as an instrument of reformation, is the basis of the system of prison labour now in force throughout India. It is not carried out with the precision and perfection of which it is susceptible, from the absence of properly constructed prisons, from the miserable economy which has reduced the establishment of gaols throughout India to a pitch bordering on positive inefficiency, from the large number of short sentences awarded by the criminal courts, in which it is impossible to teach any trade or handicraft, and from a majority of the prisoners throughout India belonging to the agricultural classes, who neither can nor will follow any other pursuit on release.

As the whole of the prisons in India are under State control, most of these defects could be readily remedied.

In so extended and poor a country as India financial considerations are undoubtedly of primary importance, and cannot be rightly or safely disregarded in dealing with all such questions.

But it can be shown and has been proved in practice, that by a wise regulation of prison labour all the ends intended by the addition of this condition to criminal sentences can be fully accomplished, and the prisons be made at the same time entirely self-supporting. One presidency in India has for several years repaid about 40 per cent. of the whole cost of its prisons, and some gaols in the same presidency have been and are entirely self-supporting. An extension of the system which I long and earnestly pressed upon the attention of the Government, would have recouped to the State the whole of the outlay on the prisons, would have converted unprofitable

consumers into profitable producers, would have offered to the largest and most important section of the criminal community the means of securing an honest livelihood on release, would have provided the means of gradually rebuilding the whole of the prisons in the manner required by our present knowledge of the subject, without causing the financial pressure that is a source of public discontent and consequent danger in India, and would have removed the reproach from the prison system of that country which must ever attach to it under the system of association. This is, in all countries and at all times, an undeniable source of demoralisation. India is no exception to the rule.

The chief objections to remunerative prison labour are, that it does not provide the hard work intended by the criminal law, that it enters into injurious competition with free labour of the same kind, and that it makes the prison a stepping-stone to fortune, and thus places the prisoner in a better position than the honest labourer of the same class.

The obvious answers to these objections are, that the severity of labour consists rather in its continuance, and the constant care and attention exacted by all forms of work in which more or less of skill is required, than in the mere exercise of unreasoning muscular force. The limits of the latter are soon reached, and demand prolonged intervals of rest which are injurious to discipline. They excite feelings of anger and resentment destructive of the moral sentiments which are the sole agents of reformation. They are in reality torture in disguise, and not warranted either by the Christianity we profess, or the civilisation to which we lay claim.

That remunerative prison industry enters into competition with free labour is undoubted, and I conceive that it has a perfect right to do so. The interests of the community at large are superior to those of sections or individual members of that community. Prisons must be maintained at the public cost; this cost falls upon the honest and well-conducted members of society; and if the prisoners can be made to diminish the burden by the exercise of compulsory industry, it is not only a most legitimate retribution to exact, but the State is bound to resort to it as a measure of general polity. To teach the prisoner a handicraft, and thus enable him to

gain an honest livelihood on release, will merely restore him to the place that he would have occupied, had he not taken to evil courses. It creates nothing new. It adds to the stock of public virtue, and diminishes to a like extent that of corroding vice. For that reason, if there were none others founded on more general economic considerations which it is foreign to the immediate purpose of this paper to refer to, the use of remunerative prison industry as an important measure of reformation, is not only justified but enjoined.

That a gaol can, in any well-regulated system of prison discipline, ever become a productive school of industry in which a poor and honest labourer should desire to graduate, can only result from grave mismanagement, such as I believe nowhere to exist. The necessary and accessory inconveniences of imprisonment, viz., the entire loss for the time of personal liberty, the consequences immediately resulting from this loss, disruption of family and social ties, destruction of business, a compulsory state of existence in all matters, the necessity of conforming to strict regulations which are and must from their nature be distasteful, a compulsory dietary, uncomfortable means of repose, total exclusion of society, and enforced labour in uncongenial pursuits, are all immediate, tangible, well-understood evils. That there is a desire to encounter them with the remote prospect of learning a trade or handicraft in any section of the honest community at home or abroad, I do not believe.

Within the last two years the out-door employment of convicts has been revived in India, and large gangs of them are now engaged on canal works. If the intention of convict labour were merely to furnish hard work and to recoup the cost of maintenance, and if the essential conditions of prison discipline are to be entirely ignored, this system is sound and logical. But if, as I firmly believe ought to be its intention, the labour is to be a means to an end, viz., the reformation of an offender by the inculcation of habits of order and industry, and by the possession of the skill and knowledge necessary to earn an honest livelihood on release, then I hold the system to be unsound, and to be a retrograde measure.

Prison Dietaries.—The dietaries for prisoners in India vary somewhat in detail in every province and presidency. They are,

as a rule, based upon the food in use among the lowest classes of the different people, and are so regulated as to maintain health and strength without the introduction of a single article that is considered to be a luxury. Prisoners are weighed on admission and discharge, and provision is made in the gaol rules of some parts of India to weigh them whenever there is reason to believe that the dietary is, from any cause, productive of disease, a loss of weight being a rough test of deficient quantity or improper quality of food. In such circumstances the surgeon of the prison has power to change the dietary in any way that may be needed for the health and strength of the prisoners—a special report of every instance in which this is done being made to the head of the prison department, to ensure that such power is not abused.

A penal dietary has, after careful experimental inquiry, been recently introduced for short-term prisoners, and for serious breaches of gaol discipline, which used, heretofore, to be punished by flogging. This also is carefully guarded to prevent its being a source of injury to health, and thus in excess of the punishment awarded by the law.

Tobacco, opium, and all narcotics and stimulants to which natives of India have been accustomed from the earliest age, are strictly prohibited in Indian prisons. That the sudden withdrawal of any accustomed luxury may not be attended with injury to health, all prisoners who have indulged to excess in such luxuries or vices, are placed under observation, and the medical officer of the prison has full power either to continue the indulgence in gradually diminishing quantities, or to subject the sufferers to such dietetic and other treatment as he may consider to be necessary, to enable them to bear the entire privation with impunity.

There is no restriction in hospital dietaries as to all reasonable changes in quantities or qualities of food that medical officers consider necessary for the cure of disease, or restoration to health and strength.

The subject of prison dietaries in India has frequently been investigated with great care, in consequence of their important relations to health. The practical rule of guidance has been to give all that is really required for health and strength, and, this end being kept steadily in view, to withhold everything that

would place the prisoner in a better position than the poor and honest in his own walk of life.

The action of the Government of India in this important matter has always been guided by a wise and laudable humanity.

Prison Punishments.—The punishments for breaches of gaol discipline in force in India, are: the imposition of fetters, separate confinement, flogging, penal labour, and a penal dietary.

In some parts of the country, from the extreme insecurity of the prisons, all heinous offenders, and some persons under trial, are ironed to prevent escape—a harsh proceeding caused by the absence of properly-constructed prisons. This proceeding has recently been legalised—a reproach to the legislation of the country.

When the prisons are tolerably secure, fettering is employed for the punishment of breaches of gaol discipline.

Separate confinement is resorted to where the means exist; but the provision of cells is so inadequate, even for this purpose, that recourse is had to flogging to an extent that is lamentable.

There is no doubt that this is a brutal and degrading form of punishment, and one that should be strictly reserved for the very few cases in which all more humane and proper means of enforcing discipline fail, after full and fair trial.

Penal labour exists and is enforced in some of the Indian prisons, but not to any great extent. It consists of such tasks as are mere exercises of muscular power, which can only be continued with safety for short periods. It contains no reformatory element, and stands little above flogging in its penal value. It cannot be pushed to any great extent in India without undermining health and strength—hence is regarded with mistrust and dislike by all humane and skilled prison officials. Speculative prison disciplinarians are much enamoured of this mode of employing prisoners generally. They cannot exhibit graver ignorance of the ends and objects of imprisonment.

It would be an insult to this Congress to dilate further upon this topic.

A penal dietary has recently been introduced generally. This was impracticable so long as the prisons were in the personal

charge of judicial officers who had not time to attend to them. In these circumstances it became an instrument of illicit gain to corrupt prison subordinates, and a source of lamentable sickness and mortality from insufficient quantity and improper quality of food. It was only re-introduced after careful experiment, and for its proper working demands constant and close supervision, lest it should be again abused.

All returns of punishment in gaols are furnished in Bengal, monthly, to the head of the prison department, and are carefully scrutinised by that officer to see that the rules are enforced with discretion and humanity. Abuses are immediately corrected, and care is taken that the ends of justice are not defeated, so far as can be accomplished by vigilance in general supervision.

Education in Indian Gaols.—Education, by which I mean instruction combined with moral and religious training, is unknown in Indian gaols. Religious acts and observances are practically forbidden to native prisoners, for whom no ministration is or can be provided. Christian prisoners have the aid of pastors, and other prisoners, if they wish it, can obtain similar aid on applying for it. Proselytising by Christian missionaries is, however, peremptorily prohibited. For secular instruction no special establishments are entertained. Greater attention is paid to the subject in some parts of India than in others, and much has been done by zealous individual officers in the way of primary instruction.

The Government has never taken any decided action in the matter. The Prison Discipline Committee of 1836 set their faces strongly against the instruction of prisoners in reading, writing, and cyphering, on the ground that there is no man whom it would cost more to instruct than a criminal prisoner, and that there is none who would sooner forget such instruction; that it would be unjust to let the children of the honest poor lack instruction, when they have not the means of paying for it, and to spend money that might educate them in teaching a man whose only peculiarity is his dishonesty; and that it was inconsistent with their scheme of making a prison a place of pain to which none should desire to return. They doubted the possibility of any moral reform of Indian prisoners on grounds peculiar to the country and to the people, and believed

that beyond rendering Indian prisons places of dread, and making offenders feel that it was for their interest to offend no more, no greater moral result could be anticipated.

The Gaol Committee of 1864 considered that 'education may be regarded as a reward or a punishment according to the character of the criminal to whom it is accorded. To the sullen, the stupid, and the idle, it must be a real infliction; while to the quick and intelligent it might be a mitigation of the tedium of confinement. It has been found an important aid to discipline, by employing the time after the conclusion of labour which is otherwise occupied in idle conversation; and it is a means of completing the plan of never leaving the convict to himself, which is, to the unreclaimed class, one of the most punitive elements in a strict system.'

The recommendations of this committee were based on the views above enumerated, and this is the principle which at present regulates education, or, as it may be more properly designated, primary instruction in the prisons of India.

In Lower Bengal, of 673,500 prisoners accused of crime, I ascertained that 920 per thousand were entirely uninstructed, 76 per thousand could read and write, and the remainder were tolerably well educated for their position in life. The proportion of ignorant to instructed is very nearly the same in every other part of Hindostan, but in Burmah, from the action of the monastic system, a large proportion of the population is able to read and write. The need of instruction, then, is greater out of the prisons than within their walls—if ignorance and crime be as intimate associates as many suppose.

Convicts as Instruments of Discipline.—One of the chief peculiarities of Indian prison management is the employment of convict agency in the maintenance of the discipline of prisons. From the earliest times, prisoners were employed in the discharge of all the menial duties of the gaols, cooking, washing, cleansing, scavengering, husking rice, grinding corn, and the preparation of food generally, and similar occupations.

The difficulty of procuring trustworthy warders on the salaries allowed, and the impossibility of preventing the introduction of forbidden indulgences through their agency, led to the trial, many years since, in the great gaol at Alipore, of well-behaved long-term prisoners as prison guards. They were found to be

so much more reliable than outsiders, and to discharge the duty so much more efficiently, that the plan was gradually extended. It was then introduced into other prisons, and, when conducted with care and discretion, worked so well, that the system has been extended to the whole of India. Special provision for it has been introduced in all the gaol codes, and the reports of its success are generally favourable. As a reward for good conduct and strict obedience to prison rules, all convicts whose behaviour has been exemplary throughout, and who have completed the prescribed term of hard labour, are eligible for the offices of convict warder, guard, and work overseer. These offices can never exceed 10 per cent. of the criminals in custody. All such appointments are made with great care and deliberation, and are subject to the sanction of the head of the prison department, by whom they are jealously watched. They are liable to forfeiture for serious misconduct or breach of duty.

As a measure of economy in diminishing the cost of guarding prisons, and as a means of reformation in teaching self-respect and self-control, very important moral agents in the amendment of criminals, the plan has everywhere been successful, with European as well as with native prisoners. The privilege is much prized. Few prisoners who have held such offices have relapsed into crime, and of many who have obtained positions of trust on the completion of their sentences, up to the time of my leaving India, and who were known to me personally, not a single one had abused the trust by criminal acts. Two or three Europeans had yielded again to the intemperance which had originally led them to crime, and thus lost their situations. For this no absolute cure has yet been found, and against it the best regulated gaol discipline has failed to provide. In all other respects the plan has been so eminently successful as a moral agency of a high order, as to render it desirable to subject it to trial in Europe.

I know of no means of preparing prisoners gradually for liberation superior to this. The prisoner who has regained self-respect, and been taught the value of continuous good conduct in circumstances of restraint and difficulty, cannot fail to be benefited by such training, and thus to be restored to society a wiser and a better man—an end that can never be

accomplished by the infliction of pain or by mere measures of unreasoning severity.

Intermediate Imprisonment in India.—A modified plan of intermediate imprisonment was tried in Bengal, and was in operation for a few years. In the absence of a special institution and agency such as exist at Lusk in Ireland, it was deemed desirable to prepare for liberation such of the prisoners as had been well-behaved throughout, and had served with credit and without reproach as convict guards and work overseers, by the enjoyment of partial liberty for a moderate period prior to the termination of their sentences. These intermediate prisoners were allowed to sleep outside the prison, but returned at day-break to the gaol, and worked within the walls.

It is obvious that such a system needs very careful regulation, and is extremely liable to abuse, yet, if properly and judiciously worked, may be made the legitimate and logical complement of the previous training in the internal watch and ward of the prison.

So far as I had the means of judging it had worked fairly well so long as the gaols of Bengal were under my control. Since that time, doctrines of prison management which have long since been abandoned elsewhere, have been revived, the infliction of pain as the cardinal condition of imprisonment has been inculcated, and the whole question has lapsed into the phase of action which prevailed generally half a century since. In such a state it is natural that measures of reformation should be subordinated to means of coercion, and that unreasoning severity should replace enlightened and humane control. Intermediate imprisonment has consequently been abandoned, but whether from defect of working, or on what exact grounds, I am not aware.

As a measure more nearly approaching the Irish system, or rather that of the agricultural colonies of Algeria and Sardinia, I advocated the institution of penal agricultural colonies in India. The majority of criminals throughout India are from the agricultural classes, to whom the teaching of a handicraft is of little or no use on release. On the other hand, there is probably no boon that could be bestowed on the country at large of greater value than the introduction of improved means and implements of cultivation. In spreading abroad such

knowledge, the prisons might be made the instruments of incalculable benefit. A condition of such colonies should be that they be entirely self-supporting, and a relief to the finances of the Empire.

Prisoners' Aid Societies.—There are no prisoners' aid societies in India. In the large stations a few earnest and philanthropic individuals occasionally interest themselves in the matter, but the constant changes in Indian society have heretofore rendered continual and combined action impracticable.

All criminals of long terms of sentence, on discharge, are provided with the means of returning to their homes, if they desire to do so. Formerly they used to be sent back under the charge of the police, and were subsequently subjected to police supervision. This is done no longer.

In Calcutta and at Hazareebaugh, well-conducted European prisoners are provided with clothing, and sufficient funds to take them out of the country to commence a new career elsewhere, or to support them while they remain in the country until they can find employment.

Convict artisans trained in the gaols find no difficulty in obtaining employment on release, and few of those who have attained any degree of skill ever return to prison. Many from the prisons under my charge, Europeans as well as natives, were known to me to be in positions of trust up to the time of my leaving India, and, with one or two exceptions, the trust had not been abused.

Reconvictions.—The means of ascertaining relapses into crime are so imperfect in India, and the returns in consequence are so unreliable, that I do not trouble the Congress with any of the figures collected. A beginning has, however, been made, and more progress will doubtless be manifest, when reliable judicial statistics are gathered together, based upon a correct census of the population. In the meantime, so far as I could ascertain by careful personal inquiry and observation, the industrial system has worked well in Lower Bengal, in securing to many offenders an honest livelihood on release without the aid of any of those associations which are the instruments of so much good in England.

Remissions of Sentence.—The governors of provinces, and the Viceroy of India, possess absolute powers of pardon, but such

powers are never exercised without the minutest enquiry and the gravest deliberation. The gaol rules provide for the remission of the whole or part of the remainder of a sentence, in cases of extreme sickness, and for acts of signal service. All such cases are reported in the annual returns.

Gaol Gardens.—To nearly every prison is attached a garden, in which are grown the vegetables and fruits required for consumption by the prisoners. The balance over and above the prison wants is sold in the open market, and the price realised is carried to the credit of the gaol.

The chief object of the garden is, however, sanitary—to counteract the scorbutic tendency of sedentary employment in work-sheds, and to afford a wholesome amount of out-door occupation in a useful direction—a more rational and sensible proceeding than marching prisoners to and fro for exercise. All prison measures should, if possible, be directed to some useful end.

Hygienic Measures.—In consequence of the exceptionally prominent and important part played by disease and death in Indian prisons, the gaol codes contain detailed regulations regarding over-crowding, ventilation, water supply, and scavenging. These are not fully carried out for financial reasons, but, so far as the means and agency at command permit, the greatest attention is paid to the health of prisoners. Since the gaol department of India has been under the control of medical officers, a great advance has been made in this direction.

Port Blair.—I say nothing of the important convict colony at Port Blair, in the Andaman Islands—now for ever of sad notoriety from the murder of the late Viceroy of India.

It has never been under the control of the Prison Department, and its conduct and management being under official inquiry, it would not be right to speak of it at the present time.

I was president and chief commander of the expedition which selected the settlement in 1857, but have had no subsequent official connection with it.

Summary.—I have now given, with the extreme brevity and condensation enjoined, an outline of the chief features of the existing prison system of India. The greater part of the infor-

mation is based upon personal knowledge and experience; the rest has been obtained from official documents.

I may define the prison system of India to be a system of State control, under the special direction of carefully-selected inspectors, acting under the immediate orders of the several local administrations. Intramural and remunerative prison labour is the basis of the system; but departures from it are permitted where the means of enforcing it do not exist, and are enjoined in the execution of certain great public works now in progress. The prisons are governed by well-defined rules, which the local Governments have the power to set aside or nullify according to their pleasure. There is, accordingly, no consistent, continuous, uniform system in force.

The whole question of prison discipline in India is strictly subordinated to financial considerations.

The vast extent of the country, and the financial difficulty of regulating income and expenditure, have heretofore deprived the prisons of India of the share of the public revenues which ought to be assigned to them as a measure of policy, of humanity, and of economy. The prison is the keystone of the judicial arch, the imperfect construction of which renders nugatory a considerable proportion of the large expenditure incurred for the pursuit, detection, trial, and conviction of criminals.

The results already obtained in India clearly demonstrate that to convert prisons into schools of industry is at once an efficient and humane system of enforcing discipline; attaches the primary importance, to which it is entitled, to reformation; compels the criminal, by enforced industry, to repay the cost of his maintenance; and would, if carried to its logical conclusion, furnish the means of constructing suitable prisons, and providing adequate establishments without straining the public resources, or extracting from the coffers of the State a single coin beyond that now expended on an imperfect and unsatisfactory system. It ought, indeed, and would, if properly managed, relieve the State entirely from the whole burden of the maintenance of the prisons, without the sacrifice of the sound principles of penal discipline which are necessary for the protection of society, and the punishment and reclamation of those who prey upon or injure it.

Although I have thus freely criticised the financial policy of the Government of India in relation to prison discipline, I have no hesitation in declaring my honest conviction that no Government can be more earnestly desirous of discharging the great and difficult duty assigned it with humanity, enlightenment, and due regard to the moral and material benefit of its subjects, than the Government of India. That such important and difficult questions as are involved in the regulation of prisons should be subordinated and sacrificed to mere financial considerations, I regard as a misfortune. But it cannot fairly be charged against the rulers of India that an error of policy in the direction above noted, is due to any deliberate disregard of the higher considerations which should regulate all such matters.

Having possessed unusual opportunities of studying the question of prison discipline at home and abroad, and having conducted for fifteen years the prison administration of an Indian province containing forty millions of inhabitants, it may not be unacceptable to a Congress which has brought together so many persons well acquainted with the subject, if I condense into an aphoristic form some of the conclusions at which I have arrived.

I put them forward with all respect and humility, in no dogmatic spirit, but with a profound sense of the great interest and importance of the subject, and a thorough conviction that nought but good can result from a full and fair discussion of one of the most difficult social problems of the time in which we live.

Conclusions.—1. That the broad general principles which should regulate prison discipline in India in no way differ from those adopted in and adapted to countries higher in the scale of civilisation. That they merely need the modifications required by local circumstances, climatic causes, and ethnic considerations, and should not, in any way, set aside the principles on which they are based.

2. That the principles (motives) which guide and control human actions, whether good or bad, beneficent or criminal, are universal in their nature, and dependent on our common humanity. That they vary chiefly, if not solely, from the influence of education, religion, and civilisation in the widest sense.

3. That in dealing with criminal acts, whether they be the result of a low standard of morals, of poverty and ignorance, of a congenitally depraved nature, or any other of the many causes which lead to crime and evil-doing, the surest and safest guide is the application of the great leading principles of Christianity. That all sound systems of prison discipline are in accordance with these principles, and all erroneous systems departures from them.

4. That the infliction of pain as a cardinal condition of imprisonment is incorrect in principle, and that whatever is erroneous in principle cannot be correct in practice.

Pain, being a sensation, has no connection with the moral sentiments, and as it is by moral agencies and influences alone that criminals can be reformed and reclaimed, in all sound systems of prison discipline punishment should be subordinated to reformation.

5. That punishment and reformation stand to each other in the same relation as curative and preventive measures in medicine. The former can only influence the individuals immediately subjected to them; the latter may affect whole communities. Hence, as a logical sequence, the major, in all such circumstances, is to be preferred to the minor.

6. That the cellular construction of prisons is the most efficient system of separating prisoners, and individualisation the sole sufficient classification; and that these are even more imperatively necessary for prisoners in Eastern countries, than for those in temperate climates.

That as a measure of policy, of humanity, and of ultimate economy, it should at once be introduced generally throughout India—if for no other reason, to save the large amount of human life now sacrificed from the improper and imperfect construction of Indian gaols, a result which no financial considerations can for a moment justify.

7. That remunerative prison labour is an efficient instrument of punishment and reformation by occupying the whole available time of criminals in uncongenial and compulsory employments; by teaching them the means of gaining an honest livelihood on release; by the inculcation of habits of order and industry, to the displacement of the irregularity and idleness which are the sources of so much vice and crime; and by repay-

ing to the State the whole or part of the cost of repression of crime by the compulsory industry of the unproductive classes, and thus relieving the community at large from a burden which it is at present compelled to bear.

8. That the economic objections to the remunerative employment of convicts are unsound and untenable; and that even if they were true as respects individuals and small sections of the community, the interests of the minority should yield to the general welfare.

9. That the advantages of the State control of prisons are—the introduction of uniformity of system, economy of management, efficiency of supervision, security against too harsh or too lax administration, and a better application of the provisions of the criminal law than can be accomplished by unpaid unofficial agency, however earnest, honest, and well-meaning.

That the chief disadvantages of State control—the danger of a rule of dead level uniformity, and of *laissez aller* and *laissez faire*—may be neutralised by the appointment of prison visitors from the non-official community, armed with full power of exposing all abuses and shortcomings.

10. That the mitigation of the severity of imprisonment, and all indulgences should be worked out by the criminals themselves, and that the employment of criminals in offices of trust in the prisons is a powerful instrument of reformation in implanting habits of self-control and self-respect, which are among the strongest means of restraining from the commission of crime at all times and in all circumstances.

11. That prison officers of all grades should be specially trained to the work, and that prison governors in particular should be men of education, of large and liberal views, of great command of temper, and of power of maintaining order and discipline without resorting to measures of severity and coercion whenever they can safely and properly be dispensed with. In other words, that they should govern by force of character, and rely as little as possible on mere physical means of restraint.

12. That prison education should be education in the real meaning of the word, and include religious instruction, secular teaching, industrial training, and moral control—for all of which fit and sufficient agency should be employed.

There are other points on which I should have wished to

have recorded my sentiments if time permitted, but the above are the most important, and I am content to restrict myself to them.

CEYLON.¹

By H. J. DUVAL, ESQ., INSPECTOR-GENERAL OF PRISONS, CEYLON.

In preparing an account of the system of penal discipline now enforced, the inspector-general observes that it will be necessary to refer back to the year 1866, and thus take a retrospective view of the condition of the gaols and the treatment of prisoners at that time. During that year a report was presented to Government by a committee appointed for the purpose in response to a Circular Despatch from the Secretary of State touching 'the improvement of prisons.' This report stated that the general result of inquiries of the committee was a thorough conviction that the state of the prisons and prison discipline in Ceylon was very bad, and urgently required reform. In consequence of this report many changes were brought about. Early in the year 1867 a system of penal discipline was introduced into Wellikada, the principal prison in the island, based generally upon the committee's report and recommendation. Separate confinement with rigorously penal labour was enforced during the whole term of short sentences, and the first six months of long sentences. Long terms of imprisonment were divided into three progressive stages of prison discipline, called respectively the penal, secondary, and upper stage.

The practical working of the system is as follows:—

On being admitted to prison every prisoner is placed in the penal stage, there to undergo the first six months in the case of a long-sentenced prisoner, or the whole term of imprisonment in that of a short sentence. This stage is certain, no part being remissible, but liable to be prolonged in the case of long-sentenced prisoners for acts of misconduct. In the penal stage prisoners are locked up, each in a separate cell, night and day, with the exception of three hours—an hour and a half

¹ For this and the next paper, on Jamaica, the Congress was indebted to the kindness of the Right Hon. the Earl of Kimberley, H.M. Secretary of State for the Colonies.

in the forenoon and the same in the afternoon, when they are taken out in gangs to undergo shot drill, thus imposing uniform hard labour in the open air, which is found to be much more beneficial to health than sauntering round in single file, as is sometimes the custom with prisoners in this class during the 'hour of exercise,' or being set in gangs to pump water, or, in short, any such labour as admits of an inequality of exertion, arising more from the various dispositions than the physical capacities of the prisoners. In shot drill every man exerts himself equally. It is rarely found that prisoners are incapable of undergoing the severe daily labour of the system pursued at Wellikada, while very many are improved in health and condition by it, as will be presently shown. Every prisoner in this stage is strictly under the eye of the medical officer of the establishment, who takes care that severe discipline shall not be carried to the extent of cruelty. The prisoners in the penal stage are weighed every month before the commencement of the issue of penal diet, and the following extract from a letter dated March 10, 1869, affords satisfactory proof that the system, though severe, is not injurious to health:—

'The test of the system as it affects the health really rests in the fact that the prisoners generally improve in bodily vigour and aptitude for labour under the treatment.'

During the hours of the day when prisoners in the penal stage are not at shot drill, they are employed in their cells beating cocoa-nut husk into fibre, or twisting by hand the fibre into coir-yarn, a fair day's task being exacted, by weight or measurement, from each man. Failure to give the allotted task is met by additional punishment.

The weight of the shot used at that exercise is 24 lbs., and it is carried at the rate of three times a minute a distance of seventeen feet; the three hours' daily labour at shot drill represents the removal by each prisoner of 540 shot, equal in the aggregate to five and a half tons; lifted from a stand eighteen inches high, and deposited on a similar stand seventeen feet apart from the first, uniformity of action, lifting, marching, and putting the shot down, being maintained throughout.

Stands are used in this exercise in consequence of the liability of the natives of this country to rupture of the spleen, which it was considered would be greatly induced by stooping to the ground to lift the shot.

It not unfrequently happens that remunerative labour, such as that in the manufacture of coir, cannot be found for prisoners in the penal stage. The rule in that case is, that between morning and evening shot drill they shall be employed in the yard breaking stone for road metal—care being taken that each prisoner shall be placed at a sufficient distance from his neighbour to prevent communication, and that a full day's task shall be exacted. If this work is not available, they undergo unproductive penal labour the whole day; alternating every two hours between shot drill and 'pingo carrying'—this is the native method of carrying weights, attached to each end of a pole, on the shoulders; for penal purposes a bamboo weighted with 20 lbs. is used. The prisoners in gangs are marched round the yard in single file, at an average walking speed. A day thus spent is one of severe labour, and if continued throughout short terms of imprisonment is effectually deterrent.

The prisoners in this class are also responsible for the cleanliness and tidiness of their cells, the scrubbing and washing of which form the first task of the morning immediately after unlocking.

The food of prisoners in the penal stage of imprisonment consists for the first ten days of each month, in the case of Europeans, of twenty-eight ounces of bread, and one pint of rice conjee; and in the case of native prisoners of five-sixths of a quart of raw rice, which, when boiled, yields two piled quarts, and one pint of conjee—the latter is served out hot to both Europeans and natives at 5.30 A.M., before commencing the day's work.

During the remaining twenty days of the month in the penal stage and in subsequent stages of imprisonment, the food of the prisoners of both classes is good and ample. In addition to the twenty-eight ounces of bread issued to Europeans they receive one pound of meat, two ripe plantains, one ounce of sugar, half an ounce of coffee, and half an ounce of salt and pepper; to the natives, in addition to two quarts of rice, two curries of fresh or dried fish, or fresh meat and vegetables, with coffee sweetened with jaggery, and four ounces of rice cakes are issued daily.

This stage of imprisonment is found to exercise a most beneficial influence on the prisoners. It subdues and renders

them amenable to a much more rigorous course of discipline throughout their term of imprisonment than could possibly be expected if they were allowed to associate in common from the date of their admission to gaol. It also encourages habits of order and industry, not, however, from any prospect of reward, but by a spirit of emulation, every prisoner striving to be equal to his neighbour in the discharge of his work and the general observance of rules. Silence being strictly enjoined throughout this stage assists greatly in the maintenance of order.

Of the various races settled in the island, the Sinhalese, especially of the class who fill the gaols, are by no means remarkable for their aptitude to undergo laborious work; on the contrary, they are slothful and indolent, strangers generally to labour of any kind, yet when subjected to a rigorous course of discipline their previous habits soon give way, and they learn to work with a determination and tact unsurpassed by any of the other races. The Moors, an energetic and fanatical people, impatient of subjection and restraint, as well as high-caste Hindoos, with whom caste prejudice exists to a most obstructive degree, are not less amenable to the discipline of hard labour, while under a lax system all such men would prove very refractory, and give endless trouble in gaol.

Breaches of prison rules are not very frequent. The lash, return to the penal stage for short periods, and the forfeiture of marks, are the means adopted to punish offenders. The infliction of the former never exceeds twelve lashes, and only then in cases of mutinous conduct. During three years there were only three floggings for prison offences—two European soldiers, and a native of Aden, an habitual criminal. No distinction is made between Europeans and natives in respect of labour.

At the termination of the penal stage, prisoners are removed into the secondary or industrial hard labour stage. Here they are employed at any hard labour to which their previous habits or occupation of life may have adapted them, the object being to make their labour as productive as possible. The wholesome dread of the discipline from which they have just emerged, and to which for misconduct they may be returned, acts as sufficient stimulus to ensure persevering industry at whatever employment they may be put. Moreover, with the commencement of this stage prisoners are placed upon the mark books,

and they distinctly understand and appreciate the usefulness of this system. Every prisoner is debited with a number of marks corresponding to the number of days in his sentence—minus the first stage. By persevering industry, in the first place, and general good conduct, he may earn nine marks per week, and this continued will close his mark account at seven-ninths of the period, the remaining two-ninths being remitted—or he may only earn eight marks weekly, gaining thereby less remission; but the general endeavour is to secure the maximum number.

The upper stage is a privilege held only by the few. Prisoners who have served at least two-thirds of their sentence, and who have, while in the industrial stage, distinguished themselves as good prisoners and leading workmen, are promoted to the grade of prison constables; their duties being to assist the subordinate officers in the maintenance of order and discipline in the prison. When employed on public works, they act in the capacity of foremen. They are generally selected with a view to their fitness for such work. While holding this appointment, they are credited with one rupee per month, which is paid to them on discharge from prison.

Religious instruction cannot possibly be general in a country settled by many races, professing a multitude of religious or superstitious creeds. At the Colombo prisons and the larger provincial gaols, the ministers and native catechists of various missionary bodies hold service on Sunday, but it is optional to the prisoners to attend these ministrations.

The education of the prisoners is a question almost as difficult as the previous one of religious instruction. I believe that no better regulations than those now in force can be adopted in either case. Native schoolmasters, in receipt of a small stipend, attend on Sunday afternoon, and give elementary instruction in the vernacular languages, Sinhalese and Tamil, but their labours are productive of very little good. The great majority of prisoners dislike attending school generally, and on Sunday especially, because they feel it should be their day of rest, and they prefer idling their time in sleep or wanton conversation the whole day. On the other hand, if schooling brought temporary respite from labour—which would be the

case if it were held on a week-day—many would make fair professions without any real improvement.

If a prisoner is really desirous of improving his mind, Sunday afternoon instruction will be found sufficient, with spare moments, of which he will gladly avail himself, through the week.

JAMAICA.

By B. SHAW, Esq., INSPECTOR OF PRISONS.

The prisons in this island may be separated into four classes:—1, General Penitentiary; 2, County Gaols; 3, District Prisons; 4, Short-Term Prisons. The General Penitentiary is the principal and most important. To it are sent criminals of both sexes from all parts of the island, who have to undergo sentences from over twelve months to sentence for life, also naval and military prisoners under sentence from courts-martial.

The prison buildings consist of two ranges, each range containing separate sleeping cells for 132 prisoners, or for 264 in both, besides fourteen association wards, capable of accommodating twelve in each ward, and a large shed, where fifty prisoners can sleep in hammocks. There is a good hospital for the sick, with other necessary rooms, offices, kitchen, &c.

The prison for women is cut off from the rest of the penitentiary by high walls. There are separate sleeping cells for forty-four women, and one association ward to accommodate eight more.

For the female penitentiary there are one matron and two women as officers. There are official visitors appointed by the governor who visit the prison, and the inspector of prisons visits frequently.

The superintendent has the power to sentence a prisoner for breach of prison discipline to three days' solitary confinement on bread and water. One visiting justice can sentence a prisoner to six days' solitary confinement on bread and water, and two or more official visitors can send a prisoner for one month's solitary confinement. They can also sentence a prisoner to be flogged with the cat, but before it can be carried into effect, the sentence has to be confirmed by the governor, to

whom a copy of the evidence is sent. The superintendent enters each case in his journal that has been dealt with by him, and a record of the evidence taken and sentence passed by the official visitors is entered in their visiting book.

The punishment to women prisoners can only be of the mildest description, such as solitary confinement in cells on bread and water, and, if very bad, refused to be put on the licensed class. This will be explained under head 'Rewards.'

The reward for good conduct that any prisoner can obtain who has not been re-convicted, or been guilty of crimes against nature, is, that after having served half of his time satisfactorily, he is promoted into the licensed class, on which he obtains a remission of one-fourth of the remaining portion of his sentence; if he misconducts himself whilst in the licensed class he can be returned to his former class, and would have to serve out his original sentence. It is very rarely a prisoner has to be turned back from the licensed class; there has not been an instance of this for the last two years. A list of the prisoners eligible for the licensed class, showing their crimes, time served, time left to serve, conduct whether good or bad, is sent to the governor for his approval before the prisoner can be removed from his original class.

I have found this licensed class system of great use in the penitentiary in keeping the prisoners steady and obedient; the hope of being promoted to it, and the fear of losing its benefits when promoted, has an admirable effect on both male and female prisoners.

The discipline and reformatory treatment of the prisoners is based on hard work at remunerative labour, shot drill and the treadmill, a diet sufficient to keep the prisoner in good health, but not to pamper him.

The other kinds of labour employed besides the treadmill are brickmaking, burning lime, quarrying stones for building purposes and for ballasting ships, as stonecutters, carpenters, masons, blacksmiths, coopers, tinsmiths, tailors, shoemakers, brushmakers, in breaking stones, and at present clearing the palisade and planting cocoa-nuts. The above trades are taught to the prisoners by competent] tradesmen employed for the purpose, and supervised by an intelligent overseer of works from England.

The prisoners are worked in association, with strict orders to the officers in charge of the working parties to allow of no talking amongst the prisoners; and the female prisoners are worked inside the walls of their prison. They are principally employed in washing clothes for the prison, Royal Mail Steam Company, Naval, Military, and Public Hospital, and for private persons; sewing, and picking coir.

The whole of the labour in the penitentiary may be said to be remunerative, excepting only shot drill. The treadmill is so, as there is a mill for grinding Indian corn (maize) attached to it, which does more than supply the prison with that article of food at a much less cost than it could be had otherwise.

The prisoners are allowed to see ministers of their own religious persuasion, and there is a chaplain of the Church of England employed for the prisoners, whose sole duty is to attend to their spiritual wants.

The above is the means adopted in the chief prison of the island for the discipline and reformatory treatment of the prisoners. In my humble judgment the system works well, the prisoner acquires a knowledge of some sort of handiwork that will be of use to him in after life; if he has not had time to become a good tradesman he has learnt the use of the spade, pickaxe, or wheelbarrow, a great step in advance for a Jamaica labourer accustomed to use only the hoe, machetts, and basket. At the same time his labour is remunerative, and returns to the public who have to provide for him some portion of his cost.

The cost of the diet for the past year was 3·855 pence for each prisoner per diem.

The sanitary condition of the prison is very good, great attention being paid to keeping it clean, and the latrines constantly flushed, and when this is not convenient the dry earth system is used with much advantage.

The second class of prisons are the Middlesex and Surrey County Gaol, and the Cornwall County Gaol. The former is merely used for debtors, misdemeanants, untried prisoners, and those who cannot find bail. There is no labour of any kind done by the prisoners.

The district prisons are next on the list. Of this class there are five, situated in different districts of the island, to

which are sent prisoners under sentence of from one day to twelve months. These prisons were built many years ago; they are strong, massive buildings, have only association wards for the confinement of prisoners; the separation of the sexes is complete in them all. A Government medical officer visits the prison daily; the magistrates of the parish in which the prison is situated act as official visitors to try breaches of prison discipline, and have the same power as the official visitors of the general penitentiary. The inspector of prisons visits them not less than three times a year, and oftener if required. The nearest clergyman acts as chaplain on Sundays.

The fourth class of prisons, called Short-Term Prisons, of which there are at present four, and one about to be added, was opened to meet a want that was experienced of some place to send a prisoner to who had only a few days' sentence to undergo; but for the opening of these prisons, a person tried for some trifling offence, and sentenced to a small fine or a week's imprisonment with hard labour, would have to be sent twenty, thirty, or forty miles to a district prison; frequently their term of sentence expiring before they reached the district prison. Prisoners can be sent to this class of prisons for a period not exceeding sixty days.

They are supervised by a sergeant of constabulary, whose wife acts as matron, and a taskmaster, and the prisoners are employed on the main roads, breaking stones, and picking coir. The health of the prisoners is attended to by the Government medical officer of the district.

There were in all the prisons of the island, not including the general penitentiaries, on September 30, 1871, 387 male prisoners and 45 female prisoners; in all, 432. In the general penitentiaries on the same day, 387 male and 37 female prisoners, or a total of 424. In custody in all the prisons of the island, 856.

I cannot close these remarks on the prisons and their discipline without stating the very satisfactory decrease in the number of women as prisoners within the last eight years. Since the year 1864 to the present time, the decrease is over 70 per cent. I attribute this entirely to the fact that in the year 1864, orders were given that the hair of women committed for hard labour should be cut close; immediately the decrease

commenced. There is nothing in the world a negro woman prizes so much; she feels the loss of it severely, and it is quite a common practice for many of them now before trial to have their hair cut off and put by until they come out of prison, when they fasten it on again. Those who have not been so provident, and come out of prison with shorn locks, hide themselves until their hair has grown.

I have had some experience of prisoners and their ways; I have paid much attention to all that has been said and written as to the practicability of deterring people from crime, but I am bound to confess I have seen nothing equal to cutting the hair of negro women as a preventive.

I am sorry I cannot say that anything that can be done to, or for, male negro prisoners seems to have an equal effect.

VICTORIA.¹

INFORMATION LAID BEFORE THE CONGRESS, BY THE RIGHT HON. H. C. E. CHILDERS, M.P., AND J. D. WOOD, ESQ., THE REPRESENTATIVES AT THE CONGRESS COMMISSIONED BY THE COLONY OF VICTORIA.

A. Convict Prisons (by G. Duncan, Esq., Inspector-General of Penal Establishments).—There is only one convict prison in Victoria. It is for males only. It has space for 650 prisoners. It is on the separate system. The first portion of the sentence is spent in entire isolation, the prisoners working in their cells and being exercised in radiating yards; in subsequent stages there is no separation at work or in chapel, except denominationally. All sleep in separate cells. There are 609 cells. Their dimensions are in the first two divisions, 10 ft. × 6 ft. × 9 ft. 6 in., and in the other two 9 ft. × 4 ft. 6 in. × 9 ft. 6 in. The cells contain in the first two divisions—closet, washing apparatus, cupboard, table and stool. In the others, night-stool, drinking pannikin, and seat. Gas is laid on to a portion of the cells and will be shortly to the remainder.

The cells are visited by the officers of the prison daily. The prison is visited at least weekly by the Inspector-General of

¹ This account ought to have appeared in Part I., but was accidentally omitted.—ED.

Penal Establishments and the visiting justice. The average number of prisoners during the last five years has been 671 males. The Governor in Council, on the recommendation of the political head, appoints the officers during their good behaviour. After service they receive yearly pensions and retiring gratuities.

The prisoners are stimulated by remission of a portion of their sentences, and by payment during the latter portion of their term at rates varying from 2*d.* to 6*d.* per diem. There are six classes: first, separate confinement; second, third, and fourth, associated labour, but separation at night; fifth and sixth, labour on public works at 2*d.* per diem in the fifth, and 6*d.* per diem in the sixth class, with rations of tobacco, tea, and sugar. The system has scarcely been sufficiently long in operation to thoroughly test it, but the results are considered satisfactory so far. The punishments are solitary confinement and extension of period of servitude. Corporal punishment is never employed. A full record of punishments is kept. The prisoners do not wear a parti-coloured dress. It is believed that such dress only degrades a prisoner.

The mask is worn only in the first stage; I think it is useful there. There are four chaplains—Church of England, Wesleyan, Presbyterian, and Roman Catholic. Each denomination holds one service every Sunday. The chaplains visit the prisoners individually in cells and hospital during the week. There are no volunteer working visitors. About ten per cent. are found to be illiterate on entrance.

There is a schoolmaster, and the prisoners attend school one hour daily. Here they are taught reading, writing, and arithmetic. Facilities are also afforded for the study of geography, grammar, and elementary mathematics. Fair progress is made. Each prison has a library. They have about an hour and a half daily, besides Saturday afternoons and Sundays, for reading. The separate confinement cells are furnished with water-closets. The sanitary condition of the prison is satisfactory. Indigestion, influenza, and rheumatism are the prevailing diseases. The average death-rate for the last five years has been about .5 per cent.

There is no strictly penal labour. There is no contract system. The average annual net earnings per head, exclusive

of the portion allowed to the prison, is for the last five years 17*l.* 19*s.* 6*d.* The chief kinds of work are shoemaking, tailoring, carpentering, blacksmith's and tinsmith's work, weaving, mat-making, quarrying, and building.

The average cost of the prisoners, including food, clothing, and a proportionate share of salaries, and of the estimated rent (say at the rate of five per cent. on the cost of the building), and of every other expense whatever, but deducting the money received for prisoners' work (if sold to the public), or its value, if employed on public works belonging to the Government, and unconnected with the prison, has during the last five years been 42*l.*; the cost of the buildings cannot now be ascertained, but they have been calculated by a competent officer, and the rent calculated on that value—6,184*l.* 10*s.*

About one-half per cent. of the inmates during the last five years have been under life sentences. They receive the same treatment as other prisoners.

Under present circumstances prisoners are often set free before their liberation can be considered safe to society, or really beneficial to themselves, both because their moral cure cannot be deemed complete, or because they have not the means of getting an honest livelihood, either from want of a sufficient knowledge of some handicraft, or from physical or mental weakness. Occasionally, but only rarely, prisoners are detained beyond the time when it is fully believed that they could safely be liberated. There are no prisoners' aid societies in existence at present. No means are taken to trace prisoners after their discharge, in order to ascertain what is their subsequent career.

B. Borough and County Gaols.—There are ten gaols in charge of the Penal Department, and about twenty smaller gaols in charge of the police; these gaols all answer the purpose of county gaols in England, receiving prisoners of all classes both before and after conviction; prisoners sentenced to a few days' imprisonment only are kept in police gaols, and long-sentenced prisoners, as a rule, are not detained in the other gaols, but are transferred to the convict prison. The aggregate number of prisoners which these gaols are together calculated to receive is 1,425.

About six months in the ordinary gaols, a few days only in police gaols, is the average period of confinement. In sub-

sequent statements, the police gaols will not be included, as they only afford temporary accommodation in remote districts.

About 0·417 of the prisoners are confined for periods not exceeding one month. About 0·338 for periods of from one month to six months; and about 0·245 for periods exceeding six months.

In some prisons there is complete separation by night, but in none by day.

The governor of the gaol visits each prisoner in his cell once in twenty-four hours, the visiting justice visits weekly, and the Inspector-General of Penal Establishments frequently.

The prisoners work in association.

The prevailing diseases are those resulting from intemperate living. The average death-rate for the last five years has been two and three-quarters per cent.

There is no penal labour in any of the gaols.

The average annual net earnings, per head, of the prisoners in the last five years, exclusive of any portion allowed to the prisoner himself, is about 18*l*. The chief kinds of work are stone breaking and road and street making. This high average of earnings is due to there being public works in the vicinity, on which the prisoners were employed.

All prisoners are set to work, but they are generally confined for such short periods in the gaols that permanent beneficial results can scarcely be expected. Nearly one-half are sentenced for less than a month; about one-third under six months. Short sentences are undesirable. Long sentences for habitual criminals are recommended. Still I think it would be very undesirable 'to substitute unlimited for limited periods of imprisonment, to which criminals are sentenced, with a view to make the time of liberation depend on the prisoner's moral condition and on the reasonable expectation of his not relapsing into crime.' Such a system would afford an opportunity for the greatest hypocrites, and probably the worst offenders to escape just punishment, and would moreover leave too much power in the hands of the officers of the prison. With the very short-sentenced prisoners confined in gaols it is feared very little improvement takes place.

c. *Reformatories*.—There are three reformatories in Victoria. They are provided with funds for their support, chiefly by

Government. Two are wholly supported by the State, and one partly by the State and partly by private contributions. As far as practicable the parents of the inmates are made to pay, but only eleven shillings per annum is received from this source. The ordinary kinds of work in the reformatories are: males—tailoring, shoemaking, carpentering, sail-making and seamanship. Females—general domestic work and needle-work. None of the produce is sold to the public, but work is performed in making clothes, etc., which would otherwise have to be paid for.

The children who have been discharged as reformed are considered still, when licensed to employers, under the care of the institution; so that they can be returned to it if not doing well. When discharged to parents they are no longer under the care of the institution.

Children are admissible over eight and under fifteen years of age.

In nearly every case the children obtain a situation or are sent to parents. In some cases boys refuse to take the situations provided for them, and on expiry of term leave to seek employment for themselves.

Prizes are given for school-work, and early discharge to service for good conduct. From boys with good-conduct badges, captains of messes, monitors, etc., are selected. The effect is good. The punishments are extra drill, privation of food for short periods, and corporal punishment, not exceeding twelve stripes on hand or breech. The conduct of the children while in institution is recorded, and also on leaving for service so long as they can be traced.

About thirty-three per cent. of the inmates are orphans.

THE PENAL AND REFORMATORY INSTITUTIONS OF THE STATE OF MARYLAND.

By G. S. GRIFFITH, Esq., Commissioner from the State.

PENAL INSTITUTIONS.—The prominent penal and most of the reformatory institutions of the State are situated in the City of Baltimore and its vicinity. Maryland contains a population of 810,000 souls. The city contains a population now estimated at 300,000; there is but one State prison or penitentiary, which is in Baltimore; the whole number of inmates, in 1871, were:—white males, 203; coloured males, 408; white females, 6; coloured females, 52. Total, 669.

The second important penal institution is the Baltimore City Gaol, a substantial stone building of striking architectural proportions; in its construction and arrangements this may be considered a model prison.

The State is divided into twenty-two counties, each containing a gaol and almshouse. None of the other gaols are equal in size or excellence to that of Baltimore, and most of them are very defective in all the attributes of a good prison.

It contains the following reformatories:—The House of Refuge; the Maryland Inebriate Asylum; the Home of the Good Shepherd, for women; the Maryland Industrial School, for girls; the Home for Fallen Women. It contains also six homes, or training schools, for neglected children, and for the prevention of crime.

THE PRISON SYSTEM.—The Associate, as distinguished from the Cellular System, prevails, with a decided preference for the first.

GENERAL ADMINISTRATION.—There is no central authority, having the control of the whole prison system. The managing power is lodged in a Board of Directors for the Maryland State Penitentiary, and a Board of Visitors for the City Gaol. These gentlemen have power to elect the warden or governor, and the

subordinate officers. The Board of Directors for the penitentiary is appointed by the Governor of the State, and required to make an annual report to the Legislature. The Board of Visitors of the City Gaol is appointed by the Mayor, and required to make an annual report to the Mayor and City Council of Baltimore.

The county gaols are under the general control of the county commissioners and sheriffs. By a settled custom, political influence seems to enter largely into all these appointments, and its effects must be regarded as highly injurious to the prison interests. There are no special training-schools for officers. His Excellency the Governor has the power to pardon a criminal before the expiration of his sentence. This clemency is frequently exercised through petitions signed by influential men or parties pleading mitigating circumstances. Prisoners are often recommended for pardon by the Board of Directors and the warden, in consideration of their good behaviour while under sentence. This is well as far as it goes; still, as an incentive to well-doing on the part of the convicts, our preference would be a commutation or abbreviation of sentence rather than a direct pardon. A Bill to this effect was recently introduced in the State Legislature, and it is expected that it will be passed at the next session.

DISCIPLINE.—While the discipline is positively deterrent, it earnestly aims to be reformatory. The agencies employed are *moral suasion, positive discipline, labour, and rewards*. Rewards, however, are more relied upon than punishments, and with the best results.

SECULAR INSTRUCTION.—The general condition of criminals in point of education, on their commitment, is lamentable. Unhappily no systematic effort is made for their mental improvement while in prison. The Penitentiary, however, contains a very good library for the use of the convicts. The writer earnestly hopes that improvements may soon be introduced in this important part of prison training.

PRISON LABOUR.—No systematic labour is performed by any of the prisoners, except in the State Penitentiary. Convict labour is not managed by the Administration, but let to contractors. It is believed that this institution will hereafter be entirely self-sustaining, the opportunities of labour having

been increased and the workshops enlarged, in consequence of an appropriation of thirty thousand dollars (\$30,000) by the Legislature.

In the State Penitentiary and City Gaol much attention has been given to ventilation, drainage and cleanliness. Sickness and death are generally reported as at a moderate rate.

The most common forms of crime, as reported by all our penal institutions, are *larceny*, *assault* and *battery*, and *burglary*. The leading causes of such crimes are almost entirely *ignorance*, *idleness*, and especially *drunkenness*.

MORAL AND RELIGIOUS INSTRUCTION.—There are no religious agencies officially employed, and no chaplains appointed by the administrations to labour in the penal and reformatory institutions. Visitors are admitted for volunteer labour into the penitentiary and gaols, but the State makes no provision for the moral and religious interests of its prisoners. This grave fact has developed the necessity of a

PRISONERS' AID ASSOCIATION.—This was accordingly organized April 1, 1869, and is now in very successful operation throughout the State. It is but stating a fact to say that the religious interests of the prisoners in Maryland seem providentially committed to the care of this Association, and the results show very encouraging progress. Two flourishing Sunday-schools are established in the State prison, which are taught by ladies and gentlemen, who volunteer their services. The male-school superintendent is a vice-president of the Association, and a gentleman possessed of peculiar qualifications in forwarding the work of reform. These religious exercises excite the liveliest pleasure of all who witness them. Apart from the word fitly spoken, they are well repaid by the melody and harmony of congregational hymning, there being a chorus of convicts composed of many hundred voices, and the organist being one of their own number. Sacred music is taught by the superintendent as an element of reform. On Sunday afternoons the male and female convicts are assembled in separate chapels for divine service. The officiating ministers are selected from different denominations. Suitable provision is also made to supply the spiritual wants of the sick and disabled in the hospital.

Under the auspices of the Association, religious exercises are

regularly conducted, on Sunday afternoons, in the chapel of the gaol. The inmates also receive suitable personal instruction, and are furnished with Bibles and tracts, and suitable religious papers.

The president and the general agent of the Prisoners' Aid Association have given much personal attention to the duty of visiting the gaols and almshouses in the counties, and securing local committees, composed of ministers and laymen, who kindly pledge themselves to furnish the inmates with religious services.

This Association is working on a solid and permanent basis. The principles of its reformatory movements are heartily approved by the voice of the courts.

Vice is the enemy against which the Association battles, and therefore it is a study to adopt the best measures, and pursue the most systematic and effective plans of assault. Our purpose and endeavour are :

1. To search out juvenile offenders who are committed for trial, to rescue them from the contact of a prison, and save them by placing them in other institutions, under wholesome control, with such influences and means as are necessary for their reformation and moral growth.

2. To extend a kind hand to such prisoners as are arrested on a charge or suspicion of crime, or, as sometimes is the case, through the malice of others ; to give them such counsel as each case may demand, and to aid them in such ways as their helpless circumstances may require.

3. To give encouragement to prisoners who are willing to reform, and at the expiration of their sentence to give them, if need be, temporary shelter ; to obtain employment for them, or, if desired, to furnish them with the necessary clothing and transportation to reach their friends at a distance, or to places where they may earn an honest livelihood.

4. To ameliorate the condition of the poor in all the almshouses throughout the State, and to furnish them the Gospel, that most potent relief to suffering souls.

5. To make discreet suggestions to the proper authorities with reference to the improvement of the discipline and government in the institutions visited, when and where it is found to be expedient.

What is the chief preventive of crime ? Increase the forces

a hundredfold to save the children. The unrestrained boys and girls of our community are the roots of that cancer which grows into public injury. It is a sad, stern truth that some of those who are now boys and girls are to be the paupers and criminals of the future. No one doubts that many noble and useful citizens come from the ranks of the poor. Yet it is no less true that paupers and criminals spring almost entirely from the untrained outcasts of society, such as neglected orphans, children of drunkards, the illegitimate children of prisoners and paupers, and the children of thieves. These facts are supported by statements furnished by practical workers.

REFORMATORIES AND SCHOOLS OF PREVENTION.—The reformatory and preventive institutions of Maryland are:—

1. *The House of Refuge*.—This institution is situated two miles from Baltimore, in a high and healthy location. The building is constructed with a view to develop the physical as well as the moral growth of the inmates. This is the most important reformatory in Maryland for juvenile delinquents. It is provided to receive the youth of our State who become too insubordinate to be governed by their parents or guardians, and for those who are sentenced by the criminal courts and magistrates for committing public offences. They are sent to the care of this institution until they become of age, unless otherwise provided for by the Board of Managers, in consideration of great moral improvement, which often occurs under the excellent administration of Mr. W. R. Lincoln, superintendent, and one of the appointed delegates to this Congress.

The governing power is vested in a President and Board of Managers, of whom four are appointed by the State, ten by the Mayor of Baltimore, and ten elected on the part of the subscribers. By a provision of the charter, the Board are required to make an annual report to the Legislature. It is not strictly a State institution, yet it is encouragingly sustained by an appreciative State and city recognition. Last year the Legislature made an appropriation to the institution of fifteen thousand dollars (\$15,000), and the city council thirty thousand dollars (\$30,000).

Music is a particular element of education of the boys. They have organized a brass band, which is the source of much pleasure on public days and festive occasions. They are frequently

invited to the city, to play at fairs, and other entertainments held for benevolent purposes. The other branches taught are those of a primary common school. The larger boys receive instruction equal in grade to that of the grammar-schools, including the elements of natural philosophy, physiology, algebra, &c. Since it was opened in 1855, 2,159 minors have passed under its control, of whom 1,942 were boys, and 217 were girls. At the present date there remain under care 331, of whom 315 are boys and 16 girls. The very small, proportionate number of girls deserves passing notice.

Industry is taught in some practical form. Labour is found to be a most desirable adjunct in the effort of reform. The workshop, next to the Sunday-school and secular instruction, is the best corrective of evil habits. Here the boys are employed in the harness shop, shoe shop, tailor's shop, broom and basket shop, in caning chair-seats, &c., and in farming and gardening, besides assisting in the work of the household. The products of the farm and garden last year amounted to \$2,248.28. The institution is in part self-supporting, yielding a profit from mechanical labour of the inmates.

2. *St. Mary's Industrial School for the City of Baltimore.*—Its objects are to receive and train to virtue, industry and learning, orphans and other destitute boys who may be committed to its charge. One hundred acres of land, about three miles from Baltimore, were generously bequeathed by the late Emily McTavish. Since then an imposing building has been reared at a cost of \$60,000, which was completed on August 1, 1868. The boys committed to the care of this institution are not placed here for crime, but on account of mere destitution, and for the *prevention* of crime.

This is a Roman Catholic Institution. The inmates are instructed in their religion, and the refining influences and safeguards of the Church are thrown around them. We are assured by the worthy brothers and the Rev. Father in charge of this school, that all the boys, with hardly an exception, have the greatest pride in the institution, and look upon it as peculiarly their own.

Since the foundation of the school, 269 boys have been received; 51 have been apprenticed to neighbouring farmers, and 140 now remain at the institution, and are divided among

the different trades, such as printers, shoe-makers, tailors, carpenters, farmers, bakers, blacksmiths. The question is asked, What advantages are these trades to the institution? In the first place, the boys print and publish an interesting paper, called "The Catholic Child's Sunday-school Companion;" they attend to the cooking, washing, tailoring, mending, farming, gardening, and making and mending their own shoes. Besides these advantages, the boys are acquiring social and industrious habits, and some knowledge of tools, which will become in after life beneficial to themselves and useful to society.

3. *Baltimore Manual Labour School for Indigent Boys.*—The Baltimore Manual Labour School for Indigent Boys was incorporated in the year 1842, having now attained to its thirtieth year of active usefulness. From its origin to the present time it has averaged 45 boys. The present number is 63. Neither a penal nor reformatory institution, the Board of directors receives only such boys as are not known to be vicious, and only orphans, or half-orphans whose surviving parent or guardian is unable to educate or maintain them. When they have acquired a tolerably good English education, they are either apprenticed to some mechanical trade, or to a farm, within the bounds of the State. The institution is not sectarian, but the boys with their teacher attend the nearest church (Methodist Episcopal) at Catonsville, and also the Sunday-school at the same place.

The farm contains 140 acres, and a large portion of its produce is sold in the markets of Baltimore. The larger boys assist in its cultivation, and are taught here to work the farm under the instruction of the farmer and superintendent.

4. *The Boys' Home.*—This Home stands on one of the main thoroughfares of the city. New additions are being built, which will soon be completed, with capacity to accommodate 125 boys. The total cost of the building, with improvements, and the ground in fee simple, is estimated at forty-two thousand dollars (\$42,000). To aid in defraying the expenses of these enlarged improvements the treasurer has received ten thousand dollars (\$10,000) from Alexander Lorman, Esq.; eight thousand two hundred dollars (\$8,200) from a fair held by ladies who are co-workers with the Board; two thousand dollars

(\$2,000) from the city ; and five hundred dollars (\$500) from the State Legislature. This institution was commenced in 1865, in an obscure room, by a few gentlemen of the Young Men's Christian Association. It became the common rendezvous of a motley crowd of unwashed, half-civilised boys. The room was kept warm and bright in winter, and furnished with pictures, papers, small games, and cheap fare for their entertainment. Thus they were won, and taught to value honest industry. They were instructed and encouraged to improve by kind words. Subsequently, in the year 1867, the Board of directors, consisting of twenty-one members, was constituted a corporation under the title of "*The Boys' Home Society of Baltimore.*" The Board meetings are held monthly, while the daily routine of the institution is conducted by a superintendent, matron, and assistants, under the oversight and direction of an executive committee of five of the directors, who are clothed with all needful powers for the current management of the affairs of the establishment.

The Home is not a reformatory, such as the House of Refuge, nor is it a house of correction, where coercion or force can be employed to compel obedience. It is a large household with its dual head, wherein obedience is recognised as a duty, and love the incentive to its exercise. Like any well-regulated family circle, it has its daily separations and reunions. After breakfast each member goes out to his appointed labour. The directors find the system of encouraging volunteer labour to work admirably. The boys are assisted to find work, and get fair wages. Most of them are learning mechanical trades. Those who have employment are charged the small board of \$1.75 per week. The balance of their earnings is put into a savings-box until the end of the year, and then returned to them. This arrangement generates feelings of independence and self-respect. Under the genial influences of the Home, they are taught habits of economy, cleanliness, virtue, industry, obedience, and self-reliance. It prevents vagrancy, pauperism, crime, and juvenile delinquency. This is a great saving to taxpayers, and sound political economy.

5. *The Maryland Industrial School for Girls.*—This institution opened June 8, 1868, and is designed to rescue from sin young girls between twelve and eighteen years of age, those

who have lost their virtue, or who are in imminent danger of losing it, from vagrancy and exposure to evil influences. A farm of fifty-four acres in a healthful and beautiful location, on the Baltimore and Ohio Railroad, eleven miles from Baltimore, was purchased, and buildings erected suited to accommodate the superintendent and his family, the matron, teacher, and the school. The total cost of land and buildings was about \$18,000. The farm has proved a source of recreation, exercise, and healthful enjoyment. It is well stocked with fruit, and has begun to be remunerative, furnishing abundant supplies of vegetables and milk for the use of the school, and a large surplus for market. The net gain in 1871 was \$1,272.

Since the opening, 72 girls have been received, of whom 62 were under 20 years of age, and 10 over 20. The discipline of the school is that of a Christian family. Its law is kindness. There are no walls or bolts. No corporeal punishment is permitted. Deprivation of privileges and meals, with detention of the refractory in her room until penitent, is sufficient. The ordinary branches of a common school education are taught, with singing and bible lessons. Instruction is also given in all branches of household labour, and in canning fruits and vegetables. The improvement of the girls in all respects has been very marked and gratifying while in the institution. 34 have been restored to their friends, 23 have been provided with situations, 2 have died; the rest are either now in the school, or have been discharged for disease or other causes. Religious instruction has been regularly given.

For four years (up to 1872) the school has been supported almost entirely by *private benevolence*. This year the State Legislature has appropriated \$3,000 to it, and the Governor has appointed ten directors on the part of the State. Baltimore City is represented by five, and the subscribers by fifteen. A committee of ladies also assists in its management.

6. *Children's Aid Society*.—The Children's Aid Society is a recognised temporary asylum for all truant and stray children picked up in the streets by the police, and for children whose parents have been committed to the gaol or almshouse for disorderly conduct or for vagrancy. In many cases they receive food and shelter until they are found by their parents, or reclaimed by others after they are released from confine-

ment. Since the institution was opened in 1860 one thousand and ninety-two (1,092) children have received its protection. At present, three hundred and thirty are in good homes provided for them, either in Maryland, or in the neighbouring States of Pennsylvania or Virginia. Their foster-parents, or those who take them in charge, are required by the Board of Managers to make monthly reports concerning their welfare. If they are not happy together, the children are recalled and placed under other care.

7. *Home of the Friendless*.—This Asylum and Reformatory was organized under a Board of lady managers. It receives small boys and girls, the neglected, deserted, unhealthy, maimed, crippled, and also the incurably afflicted. The total number of inmates received since it was organized has been 1,042. Of these there remain at present date 130, many of whom are under eight years of age. This institution is supported by voluntary contributions and legacies, with an occasional appropriation from the City of Baltimore, and the State Legislature. Total amount of receipts in 1871, for household expenses and building improvements, twenty-four thousand nine hundred and seventy-three dollars (\$24,973).

8. *House of Reformation and Instruction for Coloured Children*.—This institution was incorporated by the General Assembly of Maryland, at the January Session, 1870. Maryland has a large coloured population, especially since the emancipation of slaves. This population, which has heretofore been deprived of the benefits of education, is now thrown upon us in a deplorable state of ignorance. Ignorance, idle habits, and crime generally go hand-in-hand together, and become an element of danger to the community. The Board of Visitors of the Baltimore City Gaol report the following commitments of coloured persons during the year just drawing to a close. For the violation of the peace and for drunkenness, 1,890; for larceny, 375; for vagrancy, 70; in all, 2,335, many of whom were children between the age of eight and ten years.

A farm, containing 700 acres, in Prince George's County, has been purchased for this institution. Appropriations have been made by the State Legislature of ten thousand dollars (\$10,000) for two succeeding years, making in all twenty thousand dollars (\$20,000).

The situation of the reformatory institutions in Maryland is a subject worthy of note. They are located in the most healthy sections of the city or county, on broad streets, wide avenues, or eligible farms, the sanitary advantages having been always considered in selecting a site. The buildings are erected on high grounds, affording spacious yards or areas for exercise during the hours of recreation. They are constructed with large windows, wide passages, and broad stairways, with a view to obtain the unobstructed rays of light from the rising to the setting of the sun, and a free and full circulation of pure air. It is a fact which marks the history of these various institutions, that the inmates are exempt in an extraordinary manner from epidemics or sporadic diseases. Their list of mortality records fewer deaths than occur in common households by a comparative number of the children and youth.

Experience teaches that the essential elements of health will promote the moral as well as the physical growth of human nature. The genial influences of air and sunshine will penetrate the heart and generate kind feelings, stimulate bright thoughts, and excite the hands to useful works.

OHIO PENITENTIARY.

COLONEL BURR, warden of the Ohio penitentiary, furnished, through the Hon. Judge Leavitt, the following statistics:—Of the 1,000 men last received 238 remained at home till they were of age, 132 ran away from home, 68 were left without homes when young, 24 were born in slavery, 538 left home under age without consent. Of the same number 107 attended Sunday school regularly, 224 never attended, 669 attended occasionally. 244 out of the 1,000 were classed as temperate, 756 as intemperate. 189 were born of Catholic parents, 120 of wholly irreligious parents, 691 of parents who attended various Protestant churches. 479 had received a common school education, 154 could read and write, 165 could read but not write, 107 could neither read nor write, 33 had received an academic education, and 22 a classical. The number of the members of

the prison church who have gone out is 118; of this number 38 have not been heard of, 13 are not doing well, 67 have been heard from and are doing well, 9 are known to have joined church.

MEMORANDUM ON THE WORKING OF THE CELLULAR SYSTEM IN BELGIUM.

PRESENTED ON BEHALF OF THE BELGIAN COMMITTEE, BY M. BERDEN, DIRECTOR-GENERAL, AND M. STEVENS, INSPECTOR OF PRISONS OF BELGIUM, AND REPRESENTATIVES OF THAT COUNTRY IN THE CONGRESS.¹

THE first attempt to apply the cellular system in Belgium was made in 1835, at the gaol of Ghent, by erecting a special department of thirty-two cells, completely separating the prisoners from each other. This building was enlarged in 1865, and the number of cells increased to 158.

In 1870 the number of cells in Belgian prisons amounted to 3,468, distributed through nineteen prisons. Besides these prisons which are occupied now there are others in course of building.

The question of prison reform has been a long time agitated almost in every country, and has acquired a greater importance since imprisonment has become, if not the only mode of punishment, at least the one which is the most frequently applied. But which is the best mode of application? Here we meet a great variety of views; and it would be a long and tiresome labour to state, appreciate, and decide on the merits of different systems which have been proposed and applied in Europe and America. For brevity let it suffice to bring together these systems in certain groups and exhibit their more prominent features.

This leads us to note—

1st. The system of having prisoners assembled together, both by day and night. This system has been condemned by all as causing corruption, which imprisonment should endeavour to diminish and prevent. It exists no longer, except where the difficulty of replacing it is experienced. In fact, it

¹ Such portion of this memorandum as repeats the information furnished in Part I. under the head 'Belgium,' or is contained in pp. 483-7 in Part II., is omitted.

continues to prevail nearly everywhere, existing in conjunction even with reformed establishments.

2nd. The system of assembly together during the day and of separation by night. This system, compared with the one above-named, is generally considered an advance, and is presented in many forms. Introduced in the last century into Belgium, in the central prisons of Ghent and Vilvorde, it was adopted at the beginning of this century in different parts of the United States, where it is called the Auburn system, deriving its name from one of the best organised prisons in the State of New York, whence it was re-imported to Europe, where it was considered a kind of novelty. Besides the United States, Switzerland, England, and Belgium present the most remarkable types of this system.

3rd. The system of complete separation, both by day and night. The first trace of this mode is found at Rome, in the prison of St. Michael, whose august founder, Pope Clement XI. (1703), was penetrated by the same thought which still to-day guides the organisation of the cellular prisons in Belgium and elsewhere. Introduced afterwards into America, in the renowned penitentiary of Philadelphia, it was at first applied with excessive strictness, which has been moderated during recent years. It was recognised with approval in the writings and reports of Messieurs G. de Beaumont and A. de Tocqueville, of Messrs. de Metz and Blouet, of W. Crawford, Esq., Chief Inspector of the prisons of Great Britain, who were commissioned to go and study it on the spot. Their report decided the erection of the prison at Pentonville, in London, which has partly served as a pattern and type for other cellular prisons successively erected in England, France, Belgium, the Netherlands, Germany, Sweden, Norway, Denmark, Tuscany, etc.

To which of these two last systems should we give the preference? We do not speak of the first, which has been, at least in its principle, definitely given up.

The advantages of the system of separation may be divided into two principal categories—negative and positive.¹

The question of the relative advantages of the two systems may be put in this form:—Suppose a prisoner in whom you take an interest had at the moment of his entry into prison

¹ See page 484.

the liberty of selecting either of the two systems, and that he could consult you as to the selection which he has to make, what advice would you give him? Certainly you would tell him, 'In the collective system you will have the society of your companions in misfortune; but this association exposes you to great dangers. If you have retained any good feelings, any dignity, you ought to fear the bad examples which you will have under your eyes, the pernicious influence of continued relations with persons oftentimes the most depraved and degraded. If you try to keep aloof from them, if you do not accept the odious associates who will be forced upon you, you will be much subjected to their jeers and to the bad acts of those who consider you as a traitor and a spy. Known by them during your imprisonment, this acquaintance will follow and pursue you on your leaving, and close to you, whatever you may do, the way to an honest life. There are too numerous instances of this. In the system of separation you will have, perhaps, more to suffer, especially in the beginning; but you have at least not to endure a fatal and dishonourable contact. You will be deprived of the society of other prisoners, but you will receive by way of compensation the sufficiently frequent visits of the numerous officials who have the superintendence and the management of the work, instruction, and religious service. You will suffer your punishment entirely in your cell, but you will have work, books, and all facilities to instruct and divert yourself. In order to break the monotony of the imprisonment you can frequently correspond with your family, and receive the more numerous visits from your friends outside the prison. You will go out several times a day for a walk, to school, and to chapel. If your conduct is good and your repentance sincere, your imprisonment will be alleviated, certain favours will be accorded to you, especially the use of tobacco; the exercise of the right of pardon will hasten the date of your liberation; and when you are restored to society you will not have to dread the vengeance and denunciation of your former fellow-prisoners, to whom you will be unknown.' His choice between the two systems will not be doubtful; and we find it confirmed by the applications made spontaneously by a great number of sentenced prisoners for a change from the common prisons to the cellular prisons. And if there are some excep-

tions, you may be sure beforehand that the other system is solicited by individuals of confirmed immorality, and who are fallen to such a state of degradation as alone should be sufficient to preserve the other prisoners from their dangerous contact.

The system of separation is absolutely the substitution of good for bad company. If the criminal is a sociable being, it is not at all necessary to gratify the desire of his nature, by placing him in constant association with other criminals.

Let us suppose in one prison only one prisoner; what treatment would he have to undergo? And would it be requisite to wait till other malefactors should be incarcerated with him, in order to submit him to a regular system which would satisfy his wants? Put this question: What is its solution? The cellular system answers in all points to the prison with the single prisoner, of whom we have just spoken. There are no more reasons in the one case than in the other for substituting promiscuous companionship in place of separate living.

The cellular system is based, in all the prisons, on individual separation of the prisoners; communication with the officials; visits and correspondence with persons outside; recourse to competent authorities; individual walks in fresh air; obligatory and remunerated work for the sentenced prisoners, who are compelled to perform it by the Criminal Code; scholastic, moral, religious, and professional instruction; attendance at the religious exercises and sermons.

Individual imprisonment, as it is applied, should not be confounded with solitary confinement. It excludes indeed solitude and silence, at the same time that it allows work, walks, scholastic, moral, and religious instruction, as well as the exercise of worship. It appears even that individual imprisonment, such as we comprehend it and as we have personally applied it during more than twenty years, differs rather sensibly from the system adopted in other countries. We do not want better proofs than the testimony of Major-General Jebb, Chief Inspector of the English Prisons, the founder of the cellular penitentiary of Pentonville. He visited Louvain in 1862, and entered in the book of the visitors the following lines:—

I have seen many prisons, but I never had the good fortune to see one equal to this. I have experienced the greatest satisfaction in

finding the discipline of cellular imprisonment so truly and so completely put in practice.

But more recently in 1871, the same establishment was visited by Dr. Wines, Secretary to the National Association for Penitentiary Reform in America. These are the words of this honourable philanthropist in his report of his visit to the meeting held at New York on January 26, 1872.

The edifice is plain, substantial, and stern in its beauty, without having anything of the palatial aspect which is so common in our great prisons, and which always appeared to me to be out of place in buildings intended for the treatment of criminals. But the interior organization excels the outward beauty. I never imagined anything in the shape of a penitentiary establishment so admirable in its organization and so perfect in its administration. Nothing seems to have been forgotten in its construction, nothing unforeseen in its regulations, nothing omitted in the details of its arrangements. The system of imprisonment is that known as cellular, of which, *per se*, I am not an adherent. But the system is applied here in a manner entirely different from what I have seen anywhere else. Each prisoner receives not less, on the average, than five or six visits a day from the chaplain, instructor, director, trade-master, or other official, by whose presence and conversation the burden of solitude is relieved and made supportable, and who by their advice give to the prisoners motives and encouragements to a better life. All seemed to me to have in view the reform of the prisoner; towards this aim all efforts appear to be directed, and the results are as extraordinary as they are encouraging. This house has been in operation for about twelve years. Re-incarcerations amounted in the old prisons to about sixty per cent., now they are only six per cent. This proves not only that the criminals can be reformed, but that their reform depends less on the organization and system than on the spirit of the administration and the men who conduct it. "Where there is a will there is a way," is a maxim which seems as true when it is a question of changing bad men into good as in any other human undertaking.

Is this sufficiently clear? If this system encounters antagonists, it may be permitted to us to ask them not to judge it, much less condemn it, for facts observed elsewhere. We believe it will be useful to give a few indications of the application of the cellular system in order to answer the objections which may be opposed to it. These objections are directed principally to the difficulties of the organization of labour, the sanitary state, the mortality, the cases of insanity and suicide,

the increase of cost, and the absence of favourable results in regard to returned convicts.

1. The regulations settle the kind of work on which the sentenced prisoners are to be employed, as well as the indispensable conditions that this should fulfil.

2. The sanitary state is generally more favourable in cellular prisons than in the ordinary prisons. The following figures will clearly establish this point. During the year 1869 the cellular prisons have not given more than 12,938 days of sickness for 913,811 days of imprisonment—that is, 1·41 per cent., whereas the ordinary prisons counted 38,570 for 1,148,701 days of imprisonment, or 3·35 per cent. During the decennial period of 1861 to 1870, the average number in the penitentiary at Louvain was 513 prisoners, and the average number of days in the infirmary was 4·41—that is, ·86 per cent.

3. As the number of days of illness is greater, so also the proportion of deaths is generally higher under the collective than under the separate system. Thus during the year 1869, eighteen deaths were counted in the cellular prisons on an average of 2,503 prisoners, or 0·72 per cent.; 78 deaths occurred in the common prisons on an average of 3,147 prisoners, or 2·47 per cent. The proportion of deaths in the penitentiary at Louvain is 1·29 per cent. for the decennial period of 1861 to 1870.

4. Besides, it is proved by the report presented to the Minister of Justice by the Administrator of Public Security and Prisons, December 31, 1869, that the cases of mental derangement are more frequent in the common penitentiary at Ghent than in the cellular penitentiary at Louvain. Subsequent inquiries also confirm this experience. Only one case of mental affliction happened in the penitentiary at Louvain during the four years from 1867 to 1870. The year 1869 shows for the cellular prisons 14 cases of insanity for 22,169 prisoners, or 0·63 per cent. There were 12 cases in the ordinary prisons on 19,646 prisoners, or 0·61 per cent.

The collected observations enable us to affirm that (a) The separate system of imprisonment can be applied to long imprisonments without injuring the health of the prisoners, and without affecting their reason. (b) The prolongation of the punishment beyond a certain limit does not sensibly influence

the mortality. Sickness arising from continuance in prison manifests itself with remarkable intensity only at the beginning; first, habit lessens the danger, and finally overcomes it. (c) The sentenced prisoners present natures for the most part vulgar, feeble, and deficient in energy. (d) Individuals possessing intellectual power endure more easily the cellular system than weak-minded men, who have no intellectual resources in themselves.

5. It is admitted that suicide is a permanent danger in prisons of all kinds. No suicide happened in 1869 in the penitentiary at Louvain; one single case in 1870. In the penitentiary at Ghent two cases of suicide were reported in 1869, and one case in 1870. All the prisons taken together give the following results for the year 1869:—Cellular prisons, 22,169 prisoners, 2 suicides. Common prisons, 19,646 prisoners, 4 suicides.

6. The cost of maintenance of the prisoners in the penitentiary at Louvain amounted to 0,99·87 fr. per day for the last ten years. In 1869 the daily cost at the penitentiary at Ghent came to 0,98·32 fr. At the penitentiary at Louvain, 0,99·51.

7. The influence of the cellular system on relapse into crime has been officially stated in the report of the Administrator of Prisons which has been already cited.

This document establishes that for the normal number in the penitentiary at Louvain—referring to the criminals who had not previously suffered collective imprisonment—the average per cent. of relapses after liberation was 4·46. For those who had undergone one or more sentences in the ordinary prisons before their admission at Louvain, the average per cent. of returned convicts on their admission was 68·80, and the same average after liberation was 30·36. The effects of the cellular system on prisoners sentenced for a long term are still more striking. The return of prisoners having undergone three or more years of imprisonment in this house gives 3·28 per cent. of relapses of prisoners having suffered no penalty at Louvain, and 21·64 per cent. of relapses of prisoners who had previously undergone in other prisons one or more sentences. It shows that the prisoners who have suffered a long imprisonment in the penitentiary at Louvain have relapsed in a less proportion than those whose shorter stay had not completed their reformation.

We finish by announcing the fact that in Belgium the civil

population of prisons has fallen since 1856 from 7,000 to 4,000 prisoners. Although this may be attributed to some other causes, nevertheless the fact arises partly from the gradual introduction of the separate system into several houses of imprisonment.

We cannot possibly forbear stating as briefly as possible our wishes on behalf of the penitentiary system.

1. To affirm the conclusion of the commission of inquiry appointed by the English Parliament, that the system of individual imprisonment is for prisoners preferable to any collective system whatever.

2. To extend the cellular separate system as the best substitution for the punishment of death, in case this punishment is abolished.

3. To subject to certain determinate rules the application for pardon in favour of prisoners in the penitentiaries.

4. To favour the setting up in business of liberated prisoners who have given during their imprisonment proofs of a sincere return to good conduct.

5. To admit preparatory or conditional liberation in favour of convicts sentenced to hard labour for life, and who have undergone incarceration in cells during the time fixed by the law, and who, by their exemplary conduct and their repentance, have given sufficient proofs of amendment, yet keeping them liable to re-imprisonment in case of bad conduct.

6. To appropriate one or several special prisons—

a. To convicts sentenced to hard labour for life who, having suffered cellular imprisonment during the time fixed by the law, have not been admitted to the benefit of the preparatory or conditional liberation, and to those who should be re-imprisoned in case of bad conduct.

b. To sentenced prisoners who are estranged or weak-minded.

c. To sentenced prisoners who suffer from chronic disease, grave, or incurable infirmities.

d. To sentenced prisoners who, after a sufficiently long trial, are considered incapable of benefiting by cellular imprisonment, and who are exposed to dangers which could not be prevented without a complete change of the system.

7. To organise the patronage of liberated prisoners, and to

give that organization a basis which would recommend it to public confidence.

8. To entrust the direction of prisoners, and particularly the direction of penitentiaries, only to officers who have made a special study of the penitentiary theory, and who, either through their prior functions, or by a sufficiently long term of probation in a well-organized and well-managed penitentiary, have obtained a thorough knowledge of all the specialties of the service in a moral, disciplinary, economical, and industrial point of view.

9. To avoid putting the warders in communication with the prisons before they have acquired a complete and methodical knowledge of the regulations whose application is entrusted to them. The establishment of a normal school for warders, annexed to a penitentiary, would render immense service to the work of prisons. The warders should not be admitted before the age of twenty-five years, nor retained after the age of fifty-five years.

MEMORANDUM ON THE STATE OF PRISONS IN THE NETHERLANDS.

BY M. PLOOS VAN AMSTEL, ONE OF THE REPRESENTATIVES OF THAT COUNTRY, ON
BEHALF OF THE DUTCH COMMITTEE.¹

OUR penal laws only recognise, in addition to military and police imprisonments, two punishments inflicting loss of liberty—the criminal punishment of reclusion, and the correctional punishment of imprisonment. The French prison regulations, imposed on Holland at the commencement of this century, were replaced by others as opportunity offered, and when we gained our independence, we were compelled to ameliorate the condition of our prisoners. In 1823, in the reign of William I., the first King of the Netherlands, a society was founded by MM. Suringar, Warnsinck, and Nierstrasz for the moral reformation of prisoners. It is impossible to speak of this institution without paying a tribute of respect to M.

¹ Portions only of this paper are given, as much of the information will be found under the head 'Netherlands,' in Part I.

Suringar, who, inspired by the examples of John Howard, Elizabeth Fry, and other philanthropists, entirely devoted himself to the study of prison reform, and successively visited the different prisons of Europe. He considers all efforts to reform prisoners will be unavailing as long as they are imprisoned on the collective system, and it was principally due to his ability and perseverance that the first cellular prison was erected at Amsterdam in 1850. This event gave rise to debates among the lawyers. In the end, the opinion of those prevailed who asserted that the law alone could fix the system of imprisonment. Consequently, the law of June 23, 1850, gave the judge the power of sentencing criminals to six months' cellular imprisonment in those cases where he would have sentenced them to at least a year's collective imprisonment. In 1854, cellular imprisonment was increased to a year, and in 1871, conformably to a proposal of M. Jolles, Minister of Justice, to two years. It is thus that the cellular system has advanced in public estimation. Yet it has opponents in the Netherlands. M. Van der Brughen, late Minister of Justice, vigorously opposed it in a pamphlet remarkable for its clear statement of the merits of the Irish system of imprisonment, which still finds warm defenders among distinguished lawyers.

As prisoners cannot be reformed except by developing their moral and religious sentiments, chaplains of the different creeds are paid by the State and attached to the central prisons and to the houses of arrest and justice. Members of the Netherlands society for the reformation of prisoners are admitted into the prisons. The women are visited by a committee of ladies. In the cellular prisons these visits are gladly received, and without doubt have a beneficial moral influence on the prisoners.

The directors of the prisons are appointed by the King; the officers, male and female wardens, are appointed by the Minister of Justice, for an indefinite time. No regard is paid to their political opinions. The directors are responsible to the Minister of Justice, have to obey his orders, and also the orders they receive from the Commission of Administration. In Holland there is no school for the instruction of prison officers, nor do I think one necessary, for the knowledge essential to such officers can only be gained by practice and association with prisoners.

Holland possesses many reformatory schools. In the colony of Mettray, founded by M. Suringar, boys are trained in and are taught agriculture, horticulture, and various trades. M. Heldring, a not less distinguished philanthropist, also founded a school at Hoenderls for poor boys, and at Zettenpour for girls. The Catholics have similar schools near Leide and in the province of Limbourg. In the great cities, as Amsterdam, the Hague, and Rotterdam, are schools for apprenticeship to trades, besides schools for poor and neglected children. I have no information concerning the average number in these schools.

MEMORANDUM ON PENAL LEGISLATION IN SWEDEN.

BY G. FR. ALMQUIST, DIRECTOR-GENERAL OF THE PRISONS OF SWEDEN, AND REPRESENTATIVE OF THAT COUNTRY IN THE CONGRESS.¹

THE penal code of Sweden has undergone a gradual diminution in severity, and has been brought more into harmony with the spirit of Christianity and present civilisation. Deterrent punishments formerly chiefly characterised it, as death, bastinado, hard labour, disgrace and loss of civil rights, fines, and exile. Twenty-five years ago all the prisons in Sweden were on the associated system. They were: 1. Houses of arrest. 2. Prisons for men sentenced to hard labour. 3. Prisons for women sentenced to hard labour. 4. Houses of correction for vagrants and liberated prisoners without means of support. Their chief aim appeared to be to keep the prisoners securely at the least possible expense, but no effort was made for their moral reformation. In 1832 committees presented an outline of a new penal code, based on the principle that punishment should be deterrent, and yet of such a nature as to ensure the amendment of the criminal. No sensible change was made till 1840.

At this time Prince Oscar, afterwards King, published his

¹ Portions only of this paper are given, as much of the information will be found under the head 'Sweden,' in Part I.

work, 'Punishments and Penitentiary Establishments.' With force springing from conviction, and enthusiasm inspired by humanity, he set forth the duties of society to itself and to those who transgress the law. He declared that mitigation of the penal laws without an improvement in the prisons would only be a half-measure. He recommended that the reform should be complete, and embrace not only what would prevent crimes and suppress their causes, as true religion, general instruction, economic measures to promote public prosperity, but also the punishment of crime and the reformation of the prisoners. To secure the latter objects criminal legislation and a penitentiary system were necessary. His work was accompanied by a complete plan and an estimate of such a system of prisons for Sweden. In general he recommended the Philadelphian and Auburn systems for those sentenced to hard labour for more than six years. In consequence of his efforts several changes were made, with the object of making the punishments less humiliating to the dignity of man. In 1840 Parliament, at the proposal of the King, granted considerable sums for the construction of cellular prisons in the provinces and the reconstruction of prisons in the towns and districts.

In 1844 King Oscar ascended the throne. The erection of prisons proceeded without interruption. In 1845 persons accused were ordered to be tried in the prison nearest their homes. This prevented long journeys in contact with other criminals. In 1842 compulsory instruction was decreed. Every parish had to provide the necessary school accommodation. Parliament granted funds in aid of the masters' salaries, of teachers' training-schools, and of technical schools for instructing and developing the skill of workmen.

In 1847 poor-laws were passed, which compel each parish to support its own poor. A modification of them in 1871 provides for the maintenance of infants, aged people, and lunatics, and orders that able-bodied men should be compelled to work for themselves and their families.

A new penal law, presented by the King to Parliament in 1863, was approved, promulgated March 21, 1864, and put in operation at the commencement of 1865. This law allows latitude in passing sentences, and concisely states the various

circumstances which demand a mitigation of the ordinary sentence.

It was followed by a royal decree, dated the same day, which fixes the circumstances under which persons may be arrested.

The general sentences which can be pronounced in accordance with this law are : 1. Death. 2. Hard labour. 3. Imprisonment. 4. Fines. The sentence of death is passed only upon any one who has been sentenced to penal labour for life and afterwards commits manslaughter or murder. Moreover, sentence of death is decreed optionally only in cases of treasons and crimes against the security of the State, of aiding in violence towards the King, of murder, wilful incendiarism which has caused any one's death, or poisoning.

Hard labour is not the same as the *bagne* in France ; it is simply penal labour. Criminals are sentenced to this punishment for life or for a term not less than two months, nor more than ten years. Yet, by the addition of punishment incurred for certain offences, it can be increased to twelve years or more.

When the sentence of penal labour does not exceed two years it is undergone in a cell. That part of the imprisonment which exceeds three months will be diminished by one-fourth. (Decree December 21, 1857.)

The imprisonment in a cell is absolute, not only by day and night, but even during divine service, instruction, and walking exercise the prisoner is separated from his companions.

Prisoners sentenced to penal labour for life, as well as those sentenced to death whose sentence has been commuted to penal servitude for life, are kept in special district prisons.

Imprisonment (reclusion) is a sentence passed either at once on offenders or is applied instead of fines which have been imposed. This sentence must be at least a month, but cannot exceed two years. It is undergone in a cellular prison.

The sentence of death is commuted to various minor punishments when the crime has been committed by a child, a youth, or one not in full possession of his reason.

Those who have applied the above-mentioned law, and who have thus been able to watch its application, have expressed doubts as to the justice of some of its enactments. Thus it has been remarked that it is hardly consistent with an elastic

system of law; that the minima of punishment should be determined by the law itself for almost all crimes, and for relapse, and that these minima are at least too high; that civil degradation prescribed by the law for at least five years, in addition to the punishment to which the prisoner is sentenced for robbery and certain other offences, without regard to the greater or less degree of his guilt, by covering him with disgrace, renders his re-establishment in society more difficult, prevents him from obtaining service or earning his living; that the difference in the nature of crimes and in the degree of guilt of the accused is too great to permit them to be justly subjected to such *general* sentences as hard labour and simple imprisonment; that a man of honest character who, in a moment of passion, has committed a murder with violence, or a soldier guilty of insubordination, or a man when attacked who has carried self-defence further than is necessary, ought not to be subjected to hard labour, which implies that he is in the same position as the greatest malefactor.

The introduction of a system of latitude in punishment is undoubtedly a great improvement, but its advantages are not realised as promptly as we desire. The present organisation of the tribunals only allows a slow adoption of new principles. The great extent of the country and the difficulty of communication have rendered, in the first instance, many tribunals necessary. Without counting those in the large towns, Sweden has now more than eighty similar tribunals, with several magistrates, and more than 100 in the country districts, where the judge is aided by twelve peasants or proprietors. If all these assistants are unanimous—which rarely happens—they decide as to the guilt or innocence of the accused; but in all other cases the judge alone decides.

There are in Sweden neither examining magistrates nor counsellors, nor magistrates' clerks; consequently, in country districts, the judge alone has to examine into offences, draw up reports, and pass sentence. It ought, however, to be remarked, that the judicial body in Sweden is regarded as perfectly upright and impartial.

The inconvenience of this system is, however, recognised, and Government is taking steps to remedy its defects.

PRISONERS AND THEIR REFORMATION.

By Z. R. BROCKWAY, GOVERNOR OF THE DETROIT HOUSE OF CORRECTION, U.S.

CIVILISED sentiment now concedes that the protection of society is the justification and main purpose of imprisonment; that protection cannot be surely had without the reformation of the criminal, or his continued control by legal authority. Hence, reformation is recognised to be the immediate object to be sought. But doubts exist that prisoners generally can be reformed, and prison officials have little hope for any individual reformations. There probably is not in existence anywhere a prison establishment or prison system that is practically and uniformly successful in this particular. Advancing civilization, with its denser population, its multiplied laws, and better attention to their enforcement, tends to bring to the surface of society its criminal element, and at the same time consigns them to a deeper social degradation. It is believed, however, that the criminal law may be so reformed in its spirit and in some particulars of its administration as to produce a soothing, instead of an irritating, effect upon those in society of vicious and criminal tendency, and so as to retain the population of the prisons at the minimum residual quantity. The present worn-out laws and unwise imposition of penalties recruit the prison population from such varied social conditions, that the protection of society, as well as the dictates of humanity and of Christianity, demand the most earnest attention to the reformation of prisoners and their restoration to citizenship.

All crimes are against the person, against the property, and against the peace of society doubtless; but there is a special sense that classifies crimes under one or the other of these heads. The particular class of crimes to which a prisoner is addicted depends upon the circumstances of his life and his inherited tendencies as well; but the question whether a man will commit crime at all is primarily governed by his own constitutional characteristics. Since the welfare of society is the true measure of each individual's best interest, and a man's intelligence and integrity of mind are in proportion to his

knowledge and pursuit of those interests, and since all crime is opposed to society's welfare, and consequently to the interests of the criminal also, it follows that a criminal act proves ignorance or aberration on the part of the perpetrator. This condition of character favourable to crimes may be stated to be one of deficiency of power over the emotions—a deficiency which indicates imbecility, incoherent mental development, or the result of dissipation, that disturbs the equilibrium of the mind, so that the emotional and passional gain supremacy over the rational and volitional parts of the nature; reason is off duty, or is trifling with duty, while the animal instincts and sentiments are brought into prominence. This is not surprising, since criminals are so uniformly without systematic education. The animal impulses, depending mainly upon physical causes for development, grow with the growth, and strengthen with the strength, quite independent of artificial means; while the rational and volitional usually require skilful training to bring them into activity. This is not disproved by the *finesse* so characteristic of some criminals, for *finesse* is an element of mind akin to the cunning of lower animals, and, though sometimes difficult to distinguish from the operation of the higher faculties, is believed to be essentially different from them and not dependent upon them. All who have studied criminals closely by actual contact with them will have observed the undeveloped, incongruous, or unbalanced condition of their higher mental faculties, and the consequent sway of their animal instincts. I have attempted to teach a class of twenty criminals of the lower type the difference between letters, words, and sentences in composition without success. After an hour of instruction, they were unable to state correctly the number of words in so simple a sentence as the following—namely, 'John bought a horse'; the class—every member of it—declaring the two words 'a horse' to be one word. Another class of ten criminals convicted of high crimes skilfully perpetrated (all of them cunning, active fellows, who at the first lesson could give the correct answer to many problems in intellectual arithmetic), were every one unable to explain the process by which they reached the result, and that in so simple an example as an average child of twelve years in our primary schools could readily analyse. This deficiency is further manifested in

the improvidence of prisoners, and also of the classes of society from which they come. Prisoners are almost uniformly penniless on admission to prison, and it is to be regretted that they are often released in a similar pecuniary condition, and without additional economical impulse. However, they are not as a rule anxious about it, and, when provided with funds, will usually proceed to squander them before exerting themselves for a living. This habit of mind is utterly inconsistent with the ordinary ambition of reputable citizens, and so illustrates my point. It is also believed that such habitual improvidence, with its attending poverty, must constitute one of the chief causes of the condition of mind we are considering. Such criminals do not, and in the nature of the case cannot, be possessed of a just estimation of morals. That all men have some idea of right and wrong I do not deny, but the true idea of these principles involves, not only the supremacy of the benevolent over the malevolent affections, but also such cultivated minds as enable them to discriminate nicely and correctly as to morals. Such want of foresight as I have indicated as belonging to prisoners, such inability to examine proofs and arrive at knowledge through a process of reasoning, is inconsistent with habitual rectitude of conduct, or with any special regard for the future consequences of a given course. I have been constantly surprised at the blindness of prisoners to the moral quality of their conduct. The most careful explanations, either by discussion or illustration, fail to make permanent impression in the great majority of cases. I have in mind a prisoner who was committed for forgery, who possessed a good common school education, and was a fine draughtsman and mechanic. He was so cunning that he proved a most successful spy during the last war, in which capacity he was employed for three years on very intricate and important service. He was much interested in the means of improvement to which he had access in prison, and, I have no doubt, honestly resolved to reform. But in the very plan by which he hoped to regain his social position, *falsehood* formed an important place, and apparently all unconsciously to himself, thus revealing his moral obliquity.

This paralytical or undeveloped state of the moral faculties of the mind, though believed to be very largely attributable to

the lack of proper education and other early unfavourable circumstances, is probably transmitted from one generation to another through the physical or material organism.

The following is the average result of statistics gathered by different persons miscellaneously on a given day among the prisoners of a single establishment:—Forty-four per cent. inherit from their ancestry, within three generations, whatever impulse springs from intemperance, gross ignorance, licentiousness, epilepsy, pauperism—all these; twenty per cent. inherit from intemperance, ignorance, and epilepsy; fourteen per cent. intemperance and extreme irritability, amounting almost to *insanity*; twelve per cent. intemperance and pauperism; while only four per cent. spring from healthy stock and favourable early influences. It is further shown that twenty-eight per cent. of these prisoners thus examined have (or had) relations who are criminals.

If, as I have tried to show, there is a common peculiarity of mind among criminals, which consists in the activity of the grosser and selfish impulses, and the inactivity or imbecility of the reflective faculties and the will, then have we not found the basis for a reformatory system whose philosophy may be stated in the one word *cultivation*?

The question whether what is known in the United States as the Pennsylvania or separate system is a better protection for society, and more promotive of reformation for the prisoners than the Auburn or silent system, is an old question, and has been much discussed. But, having learned lately that the former system is to be recommended to a foreign State by the special commissioner who has been examining prisons and systems throughout the civilized world, I venture to state here the summary of argument in favour of the separate system, together with such replies as suggest themselves.

It is claimed, first, that ‘since the infliction of the punishment for crimes is directed to the offender, and society’s benefit is to be derived through him, therefore the more positively the means employed are individual in their character and application, the greater the probability of success.’

It is doubtless true that society’s benefit, from the treatment of convicted criminals, is to be sought through the offender by his segregation or reformation, but it is denied that the probability

of success is governed by the degree of positive individuality in the character and application of the means employed. Society cannot secure protection *perfectly* by the segregation of offenders save by such separation as involves their destruction. This is impossible of application generally, for civilized sentiment will not tolerate it, or, if so for a brief period, the reaction of such severity upon society at large would increase the criminal class, creating a condition of semi-barbarism at last, so indifferent to social order as to refuse authority for such rigorous treatment of offenders. Such partial separation of criminals from society as is secured by their imprisonment under any and all known systems, does not afford the protection popularly supposed.

‘That since it is an admitted principle that the operation of the punishment shall separate the offender from the community, therefore the separation should be as complete as possible.’ Such degree of separation should be had as serves to protect society from a repetition of particular offences, and, at the same time, best subserves the reformation of prisoners, through which *alone* complete relief from injury by them may be had. The third argument is, ‘That since the treatment of the individual is to reform some evil or abnormal moral condition, which involves close scrutiny of the circumstances of the crime and the character of the criminal, and also careful adaptation of means to the individual case, each prisoner should be separated from every other, and that this separation should continue until the prisoner is returned to society; that any other classification is wrong in principle.’

The affirmations of the above are accepted, and the inference rejected. The circumstances of a crime may be as well ascertained under one system as another, for they are to be gleaned from the courts and officers at the place of the crime and trial. The character cannot be ascertained by scrutiny unless the prisoner is measurably free to follow his own impulses or to control them when under the sway of such motives as pertain to civil society. For this purpose it were better to scrutinise him when associated with others like himself than when isolated in solitary confinement. Still better would it be to classify him with a selected group of varied character, allowing all the liberty of action consistent with good order and the other

necessities of prison management. The best means for reformation cannot be supplied, nor can they be successfully applied to prisoners in solitary confinement; somewhat of association is required, and also a gradually increasing social sphere as they approach the period of their return to civil freedom.

The fourth point against the Auburn system is, that under it 'No classification is possible, by which discriminating individual treatment may be had, assuming that the separation of the better prisoners from those worse will contribute to the reformation of both, and that such indiscriminate association is cruel, because it inflicts upon the sensitive mind of the venial offender punishment equal to torture, by inspiring the mind with the idea that he is irrecoverably consigned to the criminal class.' Classification is one of the fundamental planks in the platform of Auburn imprisonment. One of the large State prisons in America maintains separation between the nearly equal divisions of the 1,200 convicts. Then there is within the yard wall an entire prison establishment, with its yard wall, workshops, &c., for about one hundred men; and, still further, the same establishment contains fifty separate cells on the Pennsylvania or separate plan. I have never experienced any difficulty in adapting any desired discriminating treatment to individual prisoners under the Auburn system. As well might it be said that the principle of classification for our graded schools is a bar to the discriminating education of the scholars, or that every lunatic in hospital or asylum should be treated in a separate apartment, or that the individual discipline and efficiency of the soldiers of an army could not be maintained by their ordinary classification, as to affirm the impossibility of discriminating individual treatment for prisoners by classification. As to the cruelty named in the foregoing declaration, I have only to say that I have never been so fortunate as to find a prisoner who had so retained his moral purity and high-toned sensitiveness as to suffer 'torture' because he was associated with other criminals.

The fifth allegation in favour of the separate system, one upon which much stress is laid, is that 'the applying of remedial agencies in congregation is useless, because on the release from imprisonment incitements to associate with his former fellow-prisoners are met with, a crime-class is formed, and

society by this system thus has injured its own peace, security, and well-being, results next to impossible under the separate system.'

The released prisoners of the separate system must meet individuals of the criminal class, whose influence for evil they would be as likely to resist, after having resisted such while in prison, as though they had come from the hot-house atmosphere of solitude with no such experience. If the mutual friendships of bad men in prison are strong enough to be continued afterwards when they are liberated, dragging them back again into crime, how much more may the better friendship of the prisoners of a reformatory grade, who really make progress of improvement, be utilized for a *help* afterwards when discharged? Every discharged prisoner who is reformed will find employment and become a citizen of some place, in which case the fact of his former character must sooner or later transpire; the probabilities of exposure will increase in proportion to his usefulness and prominence as a citizen. No sure concealment can be had. Indeed, if he is really reformed he will not wish to conceal his true character and history from his employer and friends. The attempt to conceal it involves such duplicity as best disproves his pretended or supposed moral reformation. Of course, if he is not reformed, the more generally he is known the better it is. In either event nothing is gained by separate imprisonment towards obtaining or retaining respectable employment after the release. If criminals are released from prison unreformed, a crime-class will surely be formed, impairing thus the 'peace, security, and well-being of society.' This is true under any system, and it cannot be prevented by any such weak measure as that of prohibiting the formation of acquaintances while undergoing imprisonment. There is no preventive but the thorough reformation of prisoners, or the exercise of such personal restraint over them, both before and after release from prisons, as shall protect society from their crimes and their misfortunes.

It is believed that no system of imprisonment can produce reformed convicts regularly, so long as the present or any similar system of sentences obtain. Any predetermined graduation of time sentences for crimes must appear to those affected thereby as vindictive in spirit, destroying thus that

spirit of harmony between the law and the subject so essential to obedience. The attempt to retribute to a criminal what is proportionate to his offence, either by imprisonment or by imposing fines, as is frequently done in America, produces a pernicious effect, both upon him and upon all who are his interested observers, because the penalty must seem inadequate ; either insufficient, in which case the effect is to encourage crime if it exerts any influence whatever, or it will seem exaggerated, tending to exasperation and depression ; or, if by any possibility the penalty imposed should seem to be just, it is then esteemed as expiatory, and therefore, when endured, as absolutionary. It will be readily seen how in either case such impressions are a hindrance to reformation. The present system of sentences unavoidably supplies the mind of prisoners with an object of thought so fascinating as to prevent the necessary process of reformation. I allude to the date of termination of their sentence, and the expectation of renewing again the experiences of their former life ; and when against these odds, in any case, the mind is enlisted in the personal improvement, and a genuine growth is actually begun, the termination of the predetermined period of imprisonment arbitrarily interferes, and usually destroys the process ; and generally before it has reached the point which insures a practical reformation of the outward conduct.

The true remedy for these difficulties is believed to be the substitution of the indeterminate or reformatory sentence plan for time sentences, as was unanimously recommended by the Cincinnati Congress of 1870, and now by numerous distinguished philanthropists in different parts of the world, including among them Mr. Matthew Davenport Hill, of England, in whose ' Repression of Crime ' and other published writings, the subject has received a very full discussion. The experience had in Michigan, of the United States, with recent legislation embodying a partial application of the same principles, is altogether confirmatory of their soundness, and demonstrates beyond contradiction the practicability of their application. The change proposed (whose details would unduly burden this paper) tends to cultivate with criminals a kindly feeling for the law and its executors ; it increases for society protection from criminals through their continued restraint or reformation, and is espe-

cially efficient in aiding the latter, by securing their own active co-operation in the efforts made for their improvement.

The principle of administering pain for the purpose of amendment is doubtless divinely ordered, but the law of its effects and the limit of its usefulness are not so well defined or easily seen. Any change of character wrought by this means comes by one of two methods—either intimidation or education. If by the former, then the change must be *for the worse* ultimately, for fear is at once the sign and the source of weakness, which is a subjective condition most suitable for crimes. The pains or penalties which restrain by intimidation to-day must soon be replaced by others more severe, for familiarity with them will destroy their deterrent force. Such an increase of penalties as would be required to maintain this force, involves such frequent crimes and punishments that the effects themselves would be disproved thereby. This accords with the statement of Beccaria, who says :—‘ The countries and the times most notorious for severity of punishments were always those in which the most bloody and inhuman actions, and the most atrocious crimes were committed ; for the hand of the legislator and the assassin were directed by the same spirit of ferocity, which on the throne dictated laws of iron to slaves and savages, and in private instigated the subject to sacrifice one tyrant to make room for another. In proportion as punishments become more cruel, the minds of men, as a fluid rises to the same height with that which surrounds it, grow hardened and insensible, and the force of the passions still continuing, in the space of an hundred years the wheel terrifies no more than formerly the prison.’

If this is the law of restraint by intimidation, then this motive is only capable of momentary use, which use must be succeeded by intensified difficulties. If, then, reformed conduct cannot be expected among criminals from the motives, appealing to their fears, of legal penalties, it must be had, if at all, through such enlightenment of the mind as is required to appreciate the beneficent design and friendly protection of law, as tends to supply better impulses, and to bring into authoritative control the mind’s legitimate sovereign—he who rules by Divine right—namely, the will. This process—the conversion of criminals to defenders of the law and promoters of the social

welfare, which must result from the skilful and continued application of various means—is, indeed, a great undertaking; and since the public welfare is so jeopardised by crimes, and every iota of culture bestowed bears upon the probable *future* happiness of the subject of it as well, the work is worthy of the courage and care of the noblest and best in the world.

One of the primary lessons to be learned by the reformer in this department is, that the elements we seek to mould are essentially material. While nothing can be positively proved in the premises, it is nevertheless firmly held that there are physical causes for much of criminal development.

The educational effort in prisons, if made efficient for reformation, must be well and thoroughly organised. No slate-and-pencil arrangement, with the teacher at the cell-door occasionally, but a veritable school, congregated, graded, and divided into classes. The best school apparatus, books and teachers, should be supplied; and I pray for the time when the Public School Board shall have control of the education of all the prisoners within their district, who shall be trained in all respects as thoroughly and as tenderly as other pupils are. Attendance upon the school and the committing of suitable lessons should be made obligatory, and be firmly enforced; though little trouble in this direction need be anticipated, if my own experience with prison-schools is an indication. The instruction should be very largely of the oral type, made to embrace much of practical knowledge and the philosophy of common affairs. It may, and therefore should, be made interesting. The school should be carried on for the high and holy purpose of forming aright character. Everything must bend to this. No hour of amusement must be substituted for the school, nor should its life be crushed out by too much system or severity of discipline. Prisoners may be used for teachers to a limited extent, and a normal class of prisoners fitting themselves to teach will be found of much value. The higher branches of study should be introduced, and inducements offered to young, capable men to prepare themselves for particular spheres of activity, even the learned professions. The fine arts and *belles lettres* will be found to be a prolific source of suitable matter, which, when simplified and pleasantly presented in oral addresses, is useful

for special educational ends. I have also found writing and drawing an important aid. I have observed such a school system in prison for the past four years, with the following results now. The prisoners are actively interested; a very different and much improved moral atmosphere seems present throughout the whole institution. The prisoners are better workmen—better as relates to the discipline; and the subordinate officers seem toned up into a higher plane of thought and feeling. Strangers even observe the change wrought in the appearance of the prisoners—their cheerful, intelligent countenances, the manly bearing, the better taste, and attention to dress and the personal appearance. The skin seems clearer, the motions more supple; the soul seems to be gradually asserting its supremacy over the animal and material being.

The reformation of an individual cannot properly be called complete until his religious nature is also educated. But this comes last, and is never perfectly accomplished until the soul is severed from its earthly house and enters upon the new instruction under higher influences and in the better Presence. To this end should all the course we have considered be from the beginning centred. The good citizen is God-like in a degree; and for him who is not naturally so, or has fallen, some knowledge of God is necessary to his recovery. To know Him, and thus become partakers of the Divine life, necessitates a certain amount or standard of intelligence, which is impossible where the material man is insufficiently developed or deteriorated to an extreme degree. Therefore the physical and intellectual department of the reformatory work, as well as the purely religious, is all-sacred, for the Divine hand guides it all. His mind inspires it; and let us not call that secular or unclean which He has sanctified and inspired.

The effectual reformation of the prisoners of a State requires:

1. A graduated series of establishments, embracing a phase of the Pennsylvania, or separate system; the Auburn, or silent system; and also the congregate system.
2. Centralised control, with guardian care of discharged prisoners.
3. The indeterminate or reformatory sentence law.
4. In the administration mechanical employment and scholastical education, with suitable religious opportunities.
5. And, finally, a better public

sentiment on the whole question, and as relates to the labouring classes.

When the public sentiment will provide a suitable force for the suppression of every known sink of vice and crime in society, and will sustain the officers in a faithful discharge of their duty, refusing to license shame or sin for money, or to sell the public virtue and personal honour in the shambles of the political hustings; when the criminal is no longer hunted as a beast and punished for his fault pound for pound, but is seen to be a child of misfortune, and often of disease; when, with the same tenderness that society treats lunatics and imbeciles, the prisoner for crime is also placed under curative treatment, confined for this only, and until it is accomplished; when the cure of moral disease is deemed a natural process, in which all are helpers, and through which and whom the Almighty mind is the life and the force, then may prisoners be reformed by means society shall provide. When the world is wise enough to know what a few statesmen and philanthropists have found out, and what more are learning every day—that the only prevention of crimes is to come through the education and better pecuniary condition of the people; when selfishness and partisan schemes are lost sight of in benevolent endeavour, or are wisely made to subserve the welfare of the people; when we learn that education and wealth give society succeeding generations of improved citizens, and that this improvement shall tell throughout eternity, then there will be no difficulty in instituting suitable measures for repressing crimes and for reforming the criminal.

CUMULATIVE PUNISHMENTS.

BY CLARKE ASPINALL, EDWARD LAWRENCE, AND S. GREY RATHBONE, LIVERPOOL
MAGISTRACY.

BELIEVING that some resolutions unanimously passed at a meeting of the magistrates of this borough on January 17, 1872, express opinions very generally held by those persons interested in our criminal laws, we have the honour to submit them to the International Congress, in the hope that it may be induced to support by resolution the principles of the proposals.

The resolutions referred to are as follows:—

1st. That it is desirable that the cumulative principle be applied to the punishment of all classes of crime and offences.

2ndly. That it is further desirable that the visiting justices should be empowered, with the sanction of one of Her Majesty's principal Secretaries of State, to transfer well-conducted prisoners to homes for a short period prior to the termination of their sentences.

The above resolutions were adopted upon a report presented to the justices of the borough by a committee of magistrates, presided over by Mr. Raffles, the stipendiary magistrate, and we give the following extracts from it to explain more fully the objects of the resolutions, and the arguments by which they were supported. The report contained the following table, to show how greatly the number of prisoners in the prison was swollen by old offenders, some of whom spend a large part of their lives in it, under a succession of comparatively short sentences.

Table showing the Number of Prisoners confined in the Liverpool Borough Prison during the First Six Months of the Official Year, viz., from the 1st October, 1870, to 31st March, 1871, who had been committed Fifteen times and oftener to the said Prison.

15 times and under 20.	20 times and under 30.	30 times and under 40.	40 times and under 50.	50 times and under 70.	70 times and upwards.
Females . 93	121	61	14	14	3
Males . 38	28	12	1	4	1

The offences committed by these prisoners have been very various; 134 of the females and 47 of the males had been convicted twice or oftener for offences of a dishonest nature, or for associating with notorious thieves, and the offences of a large proportion have been of a nature to show that while they had avoided convictions for any offence sufficiently aggravated to entail a sentence of penal servitude, they had for years been leading dishonest as well as disorderly lives.

The report then proceeds to state that in the opinion of the committee the table points strongly to the conclusion that the cumulative principle of punishment should, with greater or less

severity, be consistently applied to all offences—that is to say, that the punishments should gradually be increased if offences are very often repeated by the same individual.

Long sentences are not only often feared by those who have become callous to short ones, and are therefore deterrent, but they aid persons who have found a criminal or disorderly life wretched, to abandon it. The long detention away from customary temptations gives them time to eradicate bad associations, while it also generally gives time for the bands of bad companions to which they may have belonged to break up and disperse, and often thus saves them from being led back into crime by old associates.

It is, however, impossible in the present state of the law to treat crime consistently upon the cumulative principle, and many anomalies occur for which magistrates are in no way responsible. Certain offences can be dealt with upon a cumulative principle under the Prevention of Crime Act, and certain other less heinous offences can be so dealt with under the Vagrant Act of 1824, but there are many offences quite as grave as any dealt with by the Vagrant Act, which cannot be punished on the cumulative principle at all. Among them may be instanced assaults and other breaches of the peace, and wilful damage to property. These and several other kinds of equally serious offences may be sent by the petty sessions to quarter sessions if the particular offence be an aggravated one; but convictions for these offences cannot be legally recorded and repeated offences proved in court as a ground for sending an offender to quarter sessions, or punishing him severely. There are thus several kinds of offence which seem to have slipped between the cumulative penalties, which can be inflicted under either the Prevention of Crime or Vagrant Acts. Again, the longest sentence which can be inflicted under the Vagrant Act is twelve months, no matter how often the same individual may offend against it. The Committee are therefore of opinion that it would be desirable that the magistrates should seek to obtain such amendments in the law as would permit of a more consistent application of the cumulative principle than is now possible.

In the first place, they consider it desirable to obtain such an amendment as would enable the justices in petty sessions to

send an offender for trial to quarter sessions for any offence other than simple drunkenness or some very trivial offence, provided that he or she had been guilty of a certain number of offences, and spent a certain aggregate time in prison for them, both these limitations to be strictly defined by the law. The quarter sessions to have power to sentence such offenders to a borough or county prison for any period not exceeding four years. It will at once be seen that the limitations above named might be so defined that the extended powers of punishment suggested should not come into force, except in reference to the cases of offenders who had been guilty of not only many previous offences, but of *several of an aggravated kind*. For instance, the conditions might be laid down that no offenders should be liable to punishment under the extended cumulative powers now proposed who had not been already fifteen times, and for an aggregate period of not less than three years in prison. Such a change in the law would only extend the application of principles recognised so long ago as 1824 in the Vagrant Act, and probably this Act might most conveniently be amended and its title enlarged, so as to secure all that is desired.

Although the Committee have in the preceding suggestions proposed that simple drunkenness, riotousness, and trivial offences, such as betoken rather negligence than deliberate lawlessness (many of which are punishable by small fines, with the alternative of imprisonment if not paid), should, under no circumstances, be included in the category of offences for which a prisoner should be sent to quarter sessions, the Committee think that within reasonable limits the justices should have power to go on increasing the penalties for even these offences, if often repeated by the same individual, and to give in such cases imprisonment, with or without hard labour, without the alternative of paying a fine.

The Committee have further to suggest, that if these amendments be made law, it is desirable that the visiting justices of each prison, with consent of the Home Secretary of State, should have power to transfer any prisoners who had undergone twelve months' detention, and two-thirds the time of their full sentence in a borough or county prison, to any home willing to receive the prisoners, and which might be under the manage-

ment of a certified Discharged Prisoners' Aid Society, and subject to Government inspection. The advantage of such an arrangement would be, that well-conducted prisoners could be selected and placed in such homes for a time prior to their discharge in a state intermediate between the stringent restraints of the prison and perfect liberty. In such a state they would have better opportunities than can be afforded in a prison of exercising and acquiring habits of self-control, and of earning such a character as would facilitate their obtaining an honest living when discharged. Several homes for adult discharged prisoners have been established, and, if successful, more would no doubt be opened by voluntary effort, and the expenses of adult prisoners would not be large if the homes were well managed and placed in situations favourable for the profitable carrying on of the industries in which their inmates were occupied. The prisoners, knowing that if they did not work hard, the managers of the homes would return them to the deprivations of a prison, would *have a potent stimulus to real industry*, for it would of course be one of the conditions of the transfer of a prisoner to a home, that if he or she became idle, disorderly, or discontented, the prisoner should be returned to prison for the remainder of the sentence. The Committee would not suggest that the homes should be largely, if at all, subsidized from public funds. Their utility will depend much on the labour in them being of the genuine kind which would render them to a great extent self-supporting, and all or most of the deficiency should be raised by the managers, as a guarantee that they are really interested in the work. It would be far better that the growth of such homes should be slow and gradual as the fruit of satisfactory experience, than that they should be prematurely forced into existence in large numbers by such liberal public grants as have been given to reformatories and industrial schools.

If the proposed amendments in the law were made, the Committee believe that the following results might be hoped for :—

1st. That the short sentences passed on young offenders would become *much more deterrent, because they would be known to lead up to the really long sentences, which are unquestionably much feared by nearly all the criminal classes.*

2nd. That under the influence of long detentions when they became necessary (particularly if part of the time were passed in well-regulated homes) a certain proportion of the offenders would be reformed.

3rd. That the residuum of reckless incorrigibles would be detained in prison under a succession of long sentences, instead of under a succession of short sentences; this class would, therefore, under the amended law have fewer opportunities of committing crimes and training up others in bad ways, while the expense of their detention would not be materially if at all increased, *as the labour of long-time prisoners can be made profitable to an extent quite impossible in the cases of short-time prisoners.*

4th. That the power of the police to enforce order and decency in the streets of our large towns could be supported by the justices far more efficiently than is possible under the present law, and to this point your Committee attach great importance. It is difficult to speak too strongly of the evils which arise from prostitutes, many of them diseased, and many of them plying their arts merely as a cover for thefts, being allowed to prowl about the streets, and force temptations to immorality on all passers-by. The effect, also, cannot be otherwise than most demoralising, of familiarising the children of our large towns prematurely with the knowledge of the existence of this vice, by allowing the evidences of it to meet them freely in public places. But under the present law, however often, however indecently and publicly a prostitute may violate it, the utmost penalty which can be inflicted is twelve months' detention. Your Committee submit, that if street-walking could be effectually stopped by longer detention of old offenders, the consequence would be that nearly all the prostitutes would have to move into brothels, and would thus at least be prevented lodging and moving about in the midst of the general population. The number would also be greatly reduced; for it does not admit of any question that the facilities for thefts given by the life of a prostitute attract many girls who would not otherwise embrace it, and that the number of women living as prostitutes could not be supported on the exclusive gains of simple prostitution. Now, if street-walking were put down, thefts would be much more difficult, as any brothel in which they were known to have occurred would at once be indicted.

THE TREATMENT OF PRISONERS.

BY THE RIGHT HON. SIR WALTER CROFTON, C.B.

THE decrease of transportation found us with very imperfect machinery for treating our criminals at home.

The consequence was that the Act of 1853 legalising the discharge of convicts under sentence of transportation on tickets of leave at home, resulted in a panic.

It was during the early period of this panic that I was appointed to preside over the convict department in Ireland. I had the experience gained as a magistrate in England to guide me, and I sympathised both with the public which refused to employ criminals who were ill-trained and untested, and with the well-disposed criminals who suffered in consequence.

The 'ticket of leave' became a 'ticket of immunity,' and was loathed throughout the country.

It was clear to me that the only remedy for such a state of things was to obtain the co-operation of the public, and that this could only be effected by making our prison tests and training as natural as possible, and to give a *reality* to the ticket-of-leave system.

In the consideration of this question, we are all, I apprehend, in accord as to the basis upon which we start, viz. that the end of punishment is twofold—*amendment* and *example*.

We must therefore so regulate our treatment of criminals as to attain this end. It will be quite apparent how difficult it is to embrace both these requirements of example and amendment; an ill-considered lenity introduced for the purpose of amending individuals might become the means of materially increasing crime.

When we are told, therefore, that in order to further the amendment of a criminal we must use every reasonable effort to obtain his employment by the community, and that in order to attain this object we must train him for it, both for the purpose of making him useful, and of satisfying the requirements of the

public with regard to him, we are at once brought face to face with our difficulties, for are we not bound to make punishment *exemplary*?

For instance, if we were to train criminals naturally from the commencement of their sentences, such as is done in the final or intermediate stage of the convict system in Ireland, we might in many cases amend individuals, and reconcile the public to their employment; but how would such treatment prove exemplary to others?

On the other hand, if we detain criminals in a strictly artificial state during the whole of their long sentences, is it probable that their employment on liberation could be furthered? or that the individuals themselves could be properly prepared for the battle of life which they will so soon have to fight?

Proof to the contrary has been afforded by the earlier experiments at Pentonville and their results.

It must not be supposed that these experiments were conducted with any want of care and watchfulness. Commissioners were appointed to exercise great vigilance, and no person who has read these reports can, I think, doubt that their duty was well performed. Yet the result was an abridgment of the periods of strictly artificial treatment.

In the course of much thinking upon this most grave subject, I was led to discard either of these plans as a system *per se*, for I felt that they would fail to attain the object in view, but that as component parts of one system, definite and distinct in their several arrangements, both plans might be beneficially utilised, and the one made so to lead up to the other as to give to the whole in the mind of the criminal the felt aspect of amendment.

But in order to attain amendment you must gain the co-operation of the criminals, to effect which they must realise that their punishment is not *merely retributive*, that it has an aim, and that this aim is to improve them.

Long experience enables me to state that if this point is made sufficiently clear to the mind of the criminal at the commencement of the sentence, it will not be in hostility to those placed over him even in the necessary penal and more stringent stages of his punishment, for he will 'look to the end,' and hope will be ever present with him.

The solution of this problem to my mind rested, then, in the institution of a classification which should lead by different stages from very great strictness and severe discipline to a state of semi-freedom, in which the good and industrious conduct of the criminal could be satisfactorily tested through the absence of the artificial restraints necessary in the earlier stages of detention.

It is, however, evident that if the various steps of improvement in classification were to depend on a mere formality such as 'lapse of time,' or upon the haphazard opinion of the officials, the end would be entirely defeated.

To give to these stages in classification a real and a beneficial value, it was necessary that self-control and self-denial should be developed in the process. To attain the object in view the idle and ill-disciplined should become industrious and orderly. No plan could so well effect this result as 'marks' (introduced into Ireland in 1854 by me), or numerical records of 'labour,' or rather *diligence* at 'labour,' for it would be manifestly unfair to reward mere *skill*.

The Mark System¹ is very ill understood, but those who have tried it with sufficient care will bear testimony to its value.

But without associating 'industry' in the minds of criminals with profit and pleasure, the 'marks' would not be gained, and the end in view would be lost. As a general rule it may be assumed that the criminal classes dislike 'labour.' But if 'industry'—and by that term I mean the ordinary employments of life—is made *a privilege to be earned*, by its absence in the very earliest stages of seclusion, and by its gradual introduction, coupled with other advantages, as classification advances, it will by degrees, *slowly perhaps at first, but surely*, supplant idleness in the breasts of the majority of criminals.

I can scarcely dwell too much on this point, because if you can by your training make the idler industrious, you have gone very far towards securing his reformation.

We are all creatures of habit, and a prisoner can scarcely experience the advantages of industry for a time without being attracted towards it.

I am not a mere theorist upon this point. I have watched

¹ The Mark System was subsequently introduced into the English convict prisons with great success in 1864.

the treatment of the same individuals under different systems. I have been told by criminals on entering gaols that they preferred being in their cells without employment; but I have invariably found the same persons begging for it before the expiration of a month.

Let it not be assumed that the public suffer in an economic sense by this absence of employment for a short period, for all experienced governors of prisons will bear out my assertion, that one month's willing industry with the active co-operation of the prisoner is worth many more of that which is forced.

It will be at once realised that this period of isolation from occupation affords special opportunities for the beneficial use of religious agency, the value of which cannot be over-estimated as the basis of all prison systems.

Those conversant with the plan of convict treatment introduced into Ireland by my colleagues and myself in 1854, will at once perceive that the principles of prison training which I have just sketched formed the basis of the system.

So far as the 'prison discipline' portion of the system is concerned, we have then

1st. The stage of penal and stringent discipline.

2nd. The stage of associated labour (with separate dormitories), in which by means of progressive classification governed by 'marks' the industrial improvement and self-control of the prisoner is both stimulated and tested, and in consideration of this point we must bear in mind the motive power which is at work, viz. the improvement in present position, and the means of obtaining earlier liberation. It will be at once realised that thus the criminal, within certain defined limits, becomes the arbiter of his own fate, and that thus the system is deprived of any aspect of vengeance, whilst it secures the co-operation of the prisoner in his own improvement. I need scarcely point out the self-drilling which is required under such a system, if the advantages held out by progressive classification are to be reaped.

When these two stages are satisfactorily passed, i. e., when the criminals have attained the required number of marks to entitle them to the privilege, they are removed to a stage of semi-freedom called the third or intermediate stage, which is a stage of probation in a more natural state before liberation.

It is too well known for me to do more here than state that this stage in its very nature prepares a criminal for his return to the ordinary avocations of free life, and reconciles the public to his employment.

As this stage has had the long test of fifteen or sixteen years' experience, and has more than fulfilled the results which were anticipated at its introduction, it cannot but be deemed a very great success.

The conduct and industry of the inmates during this long period have certainly quite equalled, I may well say exceeded, that of ordinary labourers in a similar position of temptation, and even independently of the conduct of the men after their liberation, it is, I submit, a bright and instructive feature in the system, and a testimony also to the value of the public works system of the United Kingdom, to be enabled to exhibit men of this class so conducting themselves in a position almost analogous to self-government.

I recollect that it was once asserted that without the admittedly strong stimulus of earlier liberation, the intermediate establishments would assuredly collapse. This, however, like many other prognostications, proved fallacious, for this stimulus, great as it is undoubtedly, was suddenly for a time withdrawn, yet the establishment remained in a very satisfactory condition. This was undeniably a great strain, but it was well to have the system so thoroughly tested.

Let me endeavour to profitably apply the result. It serves, I think, to show how much may be done by ordinary motive power with long-sentenced prisoners in our county and borough gaols; and in those countries in which the stimulus of earlier liberation cannot at present be used.

With regard to the effect after liberation upon men subjected to this special treatment, and on their employers, I had proof of its value at a time when the discharges were large, and when in one locality there were sometimes 150 or 160 at the same period.

As the gaols now are not half filled, the discharges are of course few, and there is not the same opportunity of judging. At all events, for several years past I have not been in a position to form an opinion, but the director in charge of the Lusk

Intermediate Establishment informs me that all goes on entirely to his satisfaction.

Now, in advocating these principles of progressive classification, which I submit can in some form, suitable to each locality, and to some extent, be applied anywhere and everywhere, I would point out for special attention how ill adapted was Ireland for any such experiment.

Spike Island, the place in which the second stage had to be carried out, was in the modern acceptation of the word not a prison at all.

It was, and is now, merely a barrack under the control of the War Department, a portion of which is given up for the location of prisoners in order that they may perform the public work required from them. The labour of the able-bodied prisoners at Spike Island defrays their cost.

It was not permitted to alter the form of the buildings, or to do more than provide moveable corrugated iron partitions between the prisoners, and at one time it was not allowable to do so much.

Work was required to be performed in a certain place by convict labour, and the system had to be carried on therefore independently of the advantages of prison construction, and this at a time when the number of prisoners in it exceeded 1,500.

I dare say that those who visit 'Spike Island' wonder that it has not been made more like the prisons of the present day; the reason is, that it was not permitted to alter the barrack.

But surely, as with the lesson taught by the intermediate establishments, through the temporary cessation of the privilege of earlier release, so should the results worked under such disadvantages as I have described at Spike Island, also teach us how much a well-considered classification, based on sound and intelligible principles, may do, independently of expensive prison construction.

I will venture to assert that in these days of heavy expenditure for prison buildings, it would be perfectly astounding to see how little has been the cost of locating prisoners at Spike Island and at Lusk during the last fifteen years.

I think this point will be worthy the consideration of those States which are now arranging their prison construction.

There is a feeling, in which I believe Count Sollohub shares, and I certainly do, that your prison construction should in a great measure be governed by the classification which upon consideration you think it best to adopt. It is, I believe, quite obvious that a very great saving could be effected by taking this course.

The same principles of progressive classification apply equally well to females as to males, merely substituting refuges for intermediate establishments in the final stage. The details of these plans also appear in Miss Carpenter's book, to which I have before referred.

I have now stated the arrangements, i. e., the prison training which in my opinion will be the best gradual preparation of a criminal for release, a training so simple in its principles, so applicable to every human being, that its very simplicity was at first its great stumbling-block in the minds of men.

IN WHAT KINDS OF WORK SHOULD PRISONERS BE EMPLOYED, AND WHAT INDUCEMENT SHOULD BE OFFERED THEM FOR STEADY INDUSTRY?

BY FREDERIC HILL.

FROM the time that my attention was first specially drawn to the subject of prison discipline—that is, from my appointment (now nearly forty years ago) under the then new Act which first established Inspectors of Prisons in this country—I have ever held useful, industrial, and productive work as the very life of a good prison; and all my subsequent experience and the knowledge I have gained from the experience of others have confirmed me in this belief. And this not alone because such work is in accordance with the behests of our common humanity, but because, among other benefits, it affords one of the surest means of moral training.

How far these and other good results of productive prison labour are now actually reaped, and how far, indeed, such labour has been introduced, are questions on which I shall

presently enter ; but before doing so it may be well to consider, with moderate fullness, the chief facts and arguments for and against productive labour.

In its favour it may be stated—

1. That such employment is the natural arrangement, and such as would probably suggest itself, in the first instance, to every mind, young or old ; and that this being the case, the burden of proof rests with opponents.

2. That by means of productive labour much of the cost, to society, of the apprehension, trial, and imprisonment of offenders may be defrayed, and something, at least, done towards indemnifying the persons specially injured.

3. That such employment, being free from everything that is repulsive and degrading, becomes associated, in the prisoner's mind, with pleasurable thoughts, and tends to make him look upon work as deserving of respect.

4. That by this kind of work, a prisoner, besides making the payments mentioned under the second head, may help in the support of his family, and may provide a fund with which, at his liberation, to pay the cost of emigration, or to afford him the means of making a fresh start in his own country.

5. That the prisoners who during their confinement have been actively engaged in productive industry are, at their liberation, better prepared for earning an honest livelihood than those who have not been so engaged ; and that, in point of fact, fewer of them return to crime.

The first of these positions—namely, that productive industry is the natural arrangement—not seeming to require corroboration, I go on to the second ; to wit, that by such labour much of the expense caused by crime may be defrayed by the culprits themselves ; and falling back first on my own experience, I can state explicitly, that of the prisoners under my superintendence, the least expensive by far, as a rule, were those where active industrial employment was maintained. Especially was this observable in Scotland, where I held charge for an unbroken period of twelve years, and where industrial employment in prisons, more or less productive, in proportion, for the most part, to the length of the imprisonment, was made universal. It is recorded in one of my reports that all such prisoners at Glasgow as were in confinement for a term of not

less than six months were paying the cost of their imprisonment, including officers' salaries and all other expenses, rent only excepted.

Bringing matters up to the present time, it appears on the authority of Captain Du Cane, the able Director-General of convict prisons in England, that at Portland, Portsmouth, and Chatham, where most, if not all, of the work is productive, the inmates not only defray their cost, but even produce a surplus.

A considerable approach to self-support is made at the Irish prison of Spike Island, while the prison at Alipore, near Calcutta, is more than self-supporting; and I am informed by Doctor Mouat, for many years Superintendent of Prisons in Lower Bengal, that in a large number of prisons that were under his charge every inmate who was employed in manufacturing repaid the whole of his cost.

Some of the prisons of our continental neighbours, also, are, I believe, nearly self-supporting.

But the greatest advance in this course has been effected in America; especially during the last few years. By a 'memorandum' just drawn up by Mr. Sanborn, a member of the Board of State Charities in Massachusetts, it appears that every one of the six State prisons in New England is now so much more than self-supporting, that these prisons last year yielded together a surplus of about 7,000*l.*; while a surplus fully equal to this was produced by the single State prison of Ohio.

Nor is this cheering result wholly confined to State prisons. Mr. Sanborn mentions several county and district prisons which are self-supporting; though the most striking case appears in the report, last year, of the Commission on Prison Labour appointed in New York; by which it appears that at a House of Correction in Michigan, under the skilful direction of Mr. Brockway, though the average period of confinement is only 90 days, the prisoners, about 300 in number, earn, in addition to their cost, a surplus of between 3,000*l.* and 4,000*l.* a year.

In Mr. Sanborn's paper is the following interesting and instructive passage:—

'The distinction so common in European prisons between *penal* or "hard" labour and *industrial* labour is almost obliterated in the American prisons. The term "hard labour"

is still found in our laws ; but almost all the work done under these sentences is industrial, and in many of our prisons pecuniarily profitable labour. The tread-mill, the crank, the shot-drill, and the various forms of penal labour have no place in the prisons of the United States ; but there is scarcely any kind of industrial labour which does not find a place there. In Alabama and Texas the convicts build railroads, in Mississippi they raise cotton, in Tennessee and New York they work mines, in many of the States they cultivate gardens or do farm-work ; but the prison employments are generally mechanical, and especially deal with work in wood, leather, and the metals, though stone-work is also done on a large scale where prisons are building. This was formerly so common an occupation for American convicts, that "hammering stone" became a cant term for imprisonment. Quarrying stone for sale or for making quicklime is much practised in the great prisons of Joliet (Illinois) and Sing Sing (New York), the largest in the country. At the Auburn prison agricultural tools are extensively manufactured ; in the Ohio State prison many convicts are employed as saddlers, wheelwrights, and blacksmiths ; in the cellular prison at Philadelphia (the Eastern Penitentiary), the employments being pursued in the cells, are mainly sedentary, such as shoe-making, weaving, and the lighter kinds of wood-work ; in Massachusetts ornamental iron-work, brush-making, shoemaking, and sewing by means of the sewing-machine, are common prison employments. In the Maine State prison, the warden, being a carriage-maker, has introduced that branch of industry ; in the prison of Northern New York, at Dannemora, a great iron mine furnishes ore, which is smelted, forged and wrought into nails by the convicts ; in the Michigan State prison, at one time, tanning leather was largely practised ; in the Detroit House of Correction chair-making has been the chief industry. In fact there is scarcely any mechanical occupation that has not been carried on in some of our prisons.'

The general conclusion that I long ago arrived at on this point, an opinion which remains undisturbed, is, that if the sterile practice of short and repeated imprisonments were abandoned, and in lieu of it such periods were taken as would allow time for training in good habits and instruction in some branch of industry, every prison in the country might be made self-sup-

porting; and I am glad to see that Dr. Mouat, after an experience of fifteen years in India, is of the same opinion.

It is true that many prisoners are inferior to the common run of persons, not only in education and knowledge, but mentally and physically; but on the other hand they are for the most part at the best age in life for work; they can indulge (under good management) in no waste or extravagance, and so far as the cost of the prison is concerned, they have no persons to support except themselves.

The separate system is, no doubt, a great obstacle to productive labour; but separation, except for very moderate periods, is in my opinion objectionable on other grounds. Even with separation however, much, under energetic management, may be accomplished; as shown by the fact that it was under this system that the prisoners at Glasgow, already referred to, defrayed their cost.

A great means of establishing self-support is to select, as prison governors, men who are strongly impressed with its importance, and who have the ability successfully to direct industrial employments; an ability not necessarily requiring, except in small prisons, a practical knowledge of manufactures or agriculture, but demanding that administrative talent and power of directing others which are needful not only in this but in every other department of prison management. Many such, as we know, already hold office; but too frequently persons are appointed to this important and responsible office who have these requisites in only a slight degree, if at all.

One benefit arising from the labour in a prison being productive, as I found in Scotland, is, that where this is the case, untried prisoners, instead of passing their time in idleness, are willing to work.

Indemnification of the persons injured not being to this day, in criminal cases, a requirement of the law, it would be unreasonable to expect its frequent accomplishment; depending as it does on favourable influences and on the prisoner earning the requisite means; but scattered through my reports will be found instances of this kind. In particular, I would refer to a case in my seventh report of a blacksmith in the Aberdeen prison who had forged a bill for 25*l.*, every penny of which he, by overwork, repaid to the person whom he had defrauded.

I earnestly hope that the experience of others may be found to supply similar acts of restitution, since such cases surely afford one of the best possible proofs of moral amendment.

It is impossible better to conclude this part of my paper than in the words of the Apostle Paul: 'Let him that stole steal no more: but rather let him labour, working with his hands the thing which is good, that he may have to give to him that needeth.'¹

As regards my third position—viz., that concerning the association of pleasure with work—it may be sufficient to recall to mind that idleness, with its accompanying aversion to steady work, is one great cause of crime. So fully alive was Mr. Brebner, for many years and up to his death the honoured and distinguished governor of the Glasgow prison, to the importance of pleasurable association with labour, that it was a common remark of his, that until a prisoner was cheerful at his work he had little hope of him.

Passing on to the fourth position—namely, that relating to surplus earnings—I again speak of facts which came within my own observation.

At the time that I held office in Scotland, it was the rule for every prisoner to have a daily task allotted to him, on the principle of piece-work, sufficient to occupy him, with fair industry, for ten hours; with a provision that all that he might earn beyond, whether by unusual diligence or by working overtime, should be his own; though its disbursement, whether during his confinement or afterwards, was subject to the control of the governor.

Under this rule, it was a very common thing for a prisoner to raise a little fund for himself, and it was not uncommon for him to spare part of this fund, during his confinement, for the relief of his family; employing the residue, on his liberation, in supporting himself till he could get work, and in the purchase of clothing and tools. The following are a few instances.

The blacksmith at Aberdeen, already mentioned, besides earning the means of indemnifying the person whom he had wronged, was enabled to pay 3*l.* as house-rent for his wife and family during his imprisonment, and 3*l.* 10*s.* for fitting up his

¹ Ephesians iv. 28.

his liberation. The governor of the prison, at the time of my report, had paid him, in cash, 4*l.* 6*s.*, and sent him to an ironmonger to the extent of 1*l.* held, on his account, the sum of 5*l.* 10*s.*; the earnings for his own benefit having been nearly

the report in which this case is mentioned will be that of a boy in the Glasgow prison, who showed the industry as often to set to work by four o'clock, and applying for leave to send 1*l.* out of his earnings to his mother, who was then ill and in distress. When it is considered the sum he must have done at least a hundred hours of labour, an idea may be formed of the amount of industry he must have exercised, and of the improvement in his feelings and habits during his confinement.

In my report I speak of a poor woman in the Edinburgh prison, who, to get a little money by overwork, rose yet again to no better employment than the dull and monotonous occupation of oakum-picking, at which she, by her utmost exertions, got more than a penny a day. She, nevertheless, earned for herself nearly five

shillings a week. I had last of the positions I have taken, and that which I published would, I suppose, be regarded by all who are in-clusive in favour of productive prison labour, as a proof that men who during their confinement have been so employed, at their liberation, better prepared than others to find a honest livelihood; and that fewer of them, in return to crime.

Turning to my own experience, I can state that a large number of the inmates of my Scottish prisons were trained, during their confinement, to habits of industry; that, as far as possible, every prisoner who had learnt a handicraft kept up the practice; that others, previously less skilled in any trade taught them, at least in all cases where the confinement was sufficiently long for the necessary purpose. I think that, other things equal, the proportion of industrious men among the productive labourers was considerably greater than among the idle; finally, that with certain necessary allowances for difference in poor law and in amount of

transportation (all set forth in my tenth report), the proportion of re-committals in Scotland, where productive labour was the rule, was less than in England, where it was the exception.

The great success of our Reformatories—which, as we know, are but in effect prisons, though prisons of a high order, and one of whose chief characteristics is productive labour—is well known, both as respects the subsequent career of their inmates and their general effect in lessening juvenile crime. As regards the reformation of the inmates, the last report of their indefatigable inspector, the Rev. Sydney Turner, shows that of nearly 3,000 boys and more than 700 girls liberated during the previous three years, more than 1,900 boys and 500 girls were doing well; a number which, after allowing for deaths, is equal to about 68 per cent., or rather more than two-thirds.

At the Reformatory of Mettray, in France, under the auspices of its devoted, benevolent, and admirable Superintendent, M. De Metz, even greater success has been attained. At the prison of Munich, visited a few years ago by my brother, the late Recorder of Birmingham—where also, under its distinguished Governor, Herr Obermaier, the labour is very productive—my brother learned that the average of reformed prisoners, though not so great as at Mettray, was, nevertheless, between 70 and 80 per cent.; and at the prison at Berne, once visited by myself, I found results equally satisfactory.

Speaking of the Irish Convict Prisons when they were under his superintendence, Sir Walter Crofton states that of more than 6,000 convicts who, up to the year 1861, had been discharged in the seven years that his system had been in operation, but little more than 600, or ten per cent., were known to have returned to any of these prisons; notwithstanding the care taken to ascertain all such cases by the use of registration, photography, and supervision after liberation. And Dr. Mouat informs me, in relation to the prisons in Lower Bengal, that although there are not at present any trustworthy statistics on the subject, it has, for several years past, been well known to the authorities of the Indian Industrial Prisons that no good workman ever returns to gaol.

Although it is my belief that the American prisons, which are distinguished for their amount of productive labour, are also distinguished for success, as shown by the proportion of cases

of reformation, I have not much positive information on this point. Two cases, however, I subjoin. The Governor of the State prison of Massachusetts reports as follows: 'Every man capable of it is taught a good trade in this prison; one at which he can work, when discharged, and earn good wages. In regard to reformation—that is, the preventing men from again committing crime—the latter has more influence than all other agencies united.' And Mr. Rice, Governor of the State prison of Maine, in one of his annual reports says, 'Since I have been in charge, now over five years, I have discharged 200 convicts, only seven of whom have returned to prison. . . . If convicts were allowed to remain in this prison at least two and a half or three years, all that have any capacity would go out with a trade; and in my opinion not over two per cent. would ever return to this or enter any other prison as convicts.'¹

Like every one who has examined the subject, I am aware that the term 're-commitment' has to be taken with much caution; since returns on that subject, besides being liable of course to be vitiated by lack of care in making them, may be falsified, in effect, through inattention to the comparative size of the various prisons in question; since in large prisons the chance of any particular offender returning must (other things equal) be proportionately greater than in small ones. Further, it is important to know whether (as at many if not all Reformatories, that at Mettray particularly) the only quite trustworthy course be taken of tracing and recording the subsequent career of those who have been under discipline. But, with all due allowance for error, I think enough has been said to show that the proportion of relapses into crime in the case of prisoners who have been employed in productive labour is much less than in that of prisoners who have not been so employed; the average of re-commitments in the ordinary English prisons; where, generally, there is but little productive work, being (according to returns made, for the most part, in the imperfect manner that has been glanced at) as high as 30 per cent.

Perhaps I may be allowed to end this portion of my subject

¹ 'Report on Prison Labour by the State Commission in New York,' page 41.

by a quotation from my book on crime, written nearly twenty years ago, but no word of which do I see reason for changing :

‘ The basis of all good systems of prison discipline, must, in my opinion, be work ; steady, active, honourable work. It is by work alone that the great mass of mankind can honestly live ; and unless prisoners acquire habits of industry, and a liking for some kind of labour, little hope can be entertained of their conduct after liberation. Their minds and feelings may have been acted upon by kind admonition, by the fullest explanation of their temporal interests, or by the powerful influences of religion ; or, on the other hand, with a view to make them dread imprisonment, they may have been subjected to everything that is irksome, humiliating, and painful, by means of tread-mills, labour-machines, and the whip ; and a desire and real intention may have been created in their minds never again to fall into crime ; but unless a prisoner acquire the knowledge of some handicraft, and habits of steady industry—unless, in a word, he obtain the *power*, as well as the wish, to live honestly—it is all in vain ; and sooner or later to crime he will return.’

Having now briefly, though I hope clearly, stated the principal facts and reasons in favour of useful and productive labour in prisons, I come to the case on the other side, to which I need scarcely say it will be my aim to do impartial justice.

The chief arguments against such labour, and in favour of work which is penal only, so far as I am aware, are the following :—

First, That useful and productive labour renders imprisonment less irksome than it ought to be ; in other words, less penal, and consequently less deterrent, if not in some cases positively attractive ; evils more than counterbalancing the pecuniary gain. Secondly, That there is great difficulty in procuring, for a prison, such kinds of work as will really be remunerative. Thirdly, that however suitable for long terms of imprisonment, productive labour is not applicable to short periods. And, fourthly, that productive labour in prisons tends to lower the wages of persons occupied in the same kind of employment out of prison, and thereby to inflict a wrong upon them.

As respects the third head, viz. the inapplicability of productive labour to short periods of imprisonment, I would remark,

in the first place, that when such punishments, as is frequently the case, are but repetitions, often twenty or thirty times in succession, of the same penalty, the remedy really called for is not to render the system of discipline suitable to so absurd a practice, but by a change in the law, and by the employment, in its administration, of those only who can be entrusted with adequate power to get rid of the practice; secondly, that even in cases of short imprisonments my experience in Scotland showed, as already mentioned, that labour, in at least some degree productive, can always be provided; thirdly, that employment on the treadmill or crank, however short the time, must tend to disgust a prisoner with work; and, lastly, that to impose more irksome toil on prisoners committed for short periods, is to run the risk of visiting small offences with a heavier punishment than large ones.

With respect to the first of these positions, there can be no doubt that useful and productive work does render imprisonment less irksome; and that if the success of prison discipline, both as regards the inmates and the outer world, depended exclusively on the amount of irksomeness to be inflicted, tread-mills and crank labour ought everywhere to be provided, to the exclusion of all other kinds of work; but surely irksomeness is far indeed from being the be-all and the end-all of prison discipline. It neither prepares the prisoner for a life of honest, thrifty industry on his own part nor eradicates motives to corrupt others; neither is it likely that its deterrent effect, whatever that may be, is at all commensurate with the evils it engenders—the resentment, obstinacy, selfishness and hardness which it unquestionably tends to produce. I submit, further, that without any artificial arrangement much irksomeness necessarily accompanies the loss of liberty and the other privations essential to a process of reformation and to the enforcement of that economy upon which the State has a right to insist.

The best and, indeed, the only way readily to determine whether, in relation to work, diet, or anything else, a prison has become attractive, is to throw its doors open to all comers; not demanding, as now, a qualification by crime. But although, during a considerable part of my administration in Scotland, free entrance was really given, and notwithstanding

that there was no legal provision for the support of able-bodied poor, and though, as already stated, all prisoners were required to work, the proportion to compulsory prisoners there was seldom more than one to fifty.

Many of the voluntary prisoners (the whole number being generally about 40)—in fact, the chief portion, consisted of persons whose confinement had till then been compulsory, and who were only awaiting employment.

The small proportion of relapses into crime among the inmates of our Reformatories, of which I have already spoken, and the large diminution, concurrently with the establishment and development of these Reformatories, which we have witnessed in the number of young delinquents in this country, are recent and strong facts opposed to any idea that such work tends to beget instead of to extirpate crime.

With regard to the second position, namely, that concerning an alleged difficulty in procuring remunerative labour for prisoners, I may state that when I first undertook the superintendence of the prisons in Scotland I was met by such asseverations on all sides; but that I found that the chief difficulty really consisted in unwillingness or incapacity for the special duty on the part of the prison governors, and their subordinates; disqualifications often joined with others of a more general character, so grave as of themselves to demand a removal from office; and such removal, I may add, was resolutely made. Where, however, there was better stuff to work upon, the good end was generally obtained through the example of other prisons.

In addition to this obstacle, there were the difficulties arising from ill-chosen sites, bad construction of prisons, and the want of a power for removing prisoners to places, whether manufacturing or agricultural, where, according to their various capacities, they could be best employed; and, lastly, the difficulty caused by the foolish and mischievous practice of sentencing offenders to periods of confinement utterly inadequate to train the ignorant among them to any employment, except of the very simplest kind (such as the mere picking of oakum), or indeed to produce a lasting effect of any sort. But defective law and bad administration are evils in themselves,

and require speedy and effective remedies, whatever kind of labour may prevail.

In dealing with the fourth position, namely, that concerning the effect of prison labour on the interests of free artisans, I feel bound to apologise to my audience for troubling them with the discussion of a question which it might seem that a rudimentary knowledge of political economy would suffice to decide. So long, however, as the adverse position is maintained in respectable quarters, argument cannot be deemed superfluous.

That temporary injury might, indeed, be done to persons employed in any particular trade, especially if their numbers be small, by a sudden influx into the market of a large supply of the articles which they themselves manufacture, is, no doubt, just as true as where the same effect is produced by the introduction of a new machine, or the uprise of new competitors. But these are casualties to which, in the nature of things, all trades are liable ; there is no peculiarity in the matter. Indeed, from the care likely to be exercised by a public department to avoid any precipitate action, and through its freedom from temptation to grasp at custom by selling at prices below the market value—a thing too often done by private enterprisers at the cost of those who trust them—the danger of injury to the ordinary trader is, I venture to think, less in the case of prison labour than in that of labour elsewhere. Again, it is maintained, that as the capital of a prison is not held by private persons or public companies, but by the municipality or the State, the competition is unfair. Wherein consists the unfairness? All of us, including even the complainants, are members of some municipality and State ; and what is such municipality or State but large co-operative societies, engaged in pursuing the common good and bound to turn every penny at their command to the greatest advantage? And surely it is an advantage that an article which would otherwise be dear is made cheap.

Even, therefore, if prison manufactures had any measurable effect on the permanent prices of articles (which from the smallness of the amount cannot be), I should hold, in common with the writer of a recent leading article in the '*Times*' newspaper, that such effect, instead of being an evil, is a good.

As a tax payer, every person, whatever may be his craft, has

to make an additional payment out of his earnings for every shilling which a prisoner costs beyond what is necessary ; and every shilling saved from waste forms an addition to that fund from which alone wages and all other kinds of earning can be paid.

As I remarked in one of my reports, if it be wise to maintain prisoners in a state of idleness or non-production, it must be equally wise similarly to maintain any other section of the community, as, for example, those whose name begins with a certain letter ; a *reductio ad absurdum*.

At the head of the list of authorities in favour of productive labour in prisons, it is with pleasure that I point to the name of that illustrious philanthropist, the pride of all that speak the English language, on whose life and deeds we have had an eloquent and admirable paper by one of our Transatlantic colleagues, the Rev. Dr. Bellows. I need scarcely say that I refer to John Howard, one of the very first of prison reformers, and with whom it was an aphorism, 'make men diligent and they will be honest.' I have also a lively satisfaction in enumerating among the advocates of such labour the great Jeremy Bentham, and his distinguished brother, Sir Samuel Bentham, Livingston, Mrs. Fry, the Rev. John Clay, Mr. Brebner, Captain Maconochie, Sir John Burgoyne, Ex-Governor Seymour, General Pillsbury, Mr. Haynes, Mr. Brockway ; my brother the late Mr. Commissioner Hill, Recorder of Birmingham ; the Rev. Dr. Wines, Monsieur De Metz, Baron von Holtzendorff, Herr Obermaier, Count Sollohub, Señor Montesinos, Sir Walter Crofton, Captain Du Cane, Mr. Shepherd, and Dr. Mouat. Nor must I omit that a committee of the Social Science Association has declared its belief that productive labour is an essential part of every good system of prison discipline ; and that, without it, reformation is, in most cases, hopeless. That the value of the work done in prisons adds to the fund from which the wages of all workmen must be paid. That there is no more reason for excluding the work of prisoners from general competition, than for excluding the work of foreigners ; the objections to both being resolvable into the errors which lead to a demand for 'protection.'

It is true that two or three of those whose names I have given recommend a short preliminary stage of entirely penal

and unproductive labour; partly for the purpose of rendering productive work more acceptable. Experience, however, warrants me in regarding such preliminary as unnecessary; and it seems a pity to begin with a treatment which, on the hypothesis is, in its general character, injurious. Seeing that you have to win the prisoner's good will, it must be of very doubtful policy to open with an offence to his feelings.

The following is a summary of the views taken in this paper:

1. That for labour to be made useful and productive in prison, just as out of prison, is in accordance with nature; that to strip it of these qualifications is, if not absolutely unnatural, at least artificial; a course demanding justification and proof of its propriety; a proof not given.

2. That with moderate care in the construction of a prison and in the choice of its locality, combined with a due selection of officers, there is no insuperable difficulty in procuring tolerably suitable work for prisoners; and that, other things equal, prison labour is more productive when the periods of imprisonment are of proper length; such, namely, as is essential to any hope of producing reformation.

3. That by means of useful and productive labour much of the cost to society of the apprehension, trial, and imprisonment of criminals may be repaid, and something at least done towards indemnifying the persons wronged.

4. That such employment, being free from everything that is repulsive and degrading, becomes associated in the prisoner's mind with pleasurable thoughts, and tends to make him look upon work as deserving of respect.

5. That by this kind of work, a prisoner, besides making the payments mentioned under the third head, may help to support his family, and may provide a fund with which, at the end of his confinement, either to pay the cost of emigration or to have the means of making a fresh and honest start in his own country.

6. That productive labour in prisons does not tend to lower the wages of persons occupied in the same kind of work out of prison or otherwise to injure them.

7. That prisoners who have been employed in useful and productive work, are, at their liberation, much better armed against relapse into crime, as well as much better prepared to

obtain an honest living than those whose labour has been merely penal; and that, in fact, the proportion subsequently doing well is much larger.

8. That the pains and privations necessarily attendant on the process of moral reformation are so great as to make it unnecessary, for the maintenance of the principle of deterrence, to superadd artificial pains and privations.

9. That as a means of affording timely notice, if such a case should arise, of a prison ceasing to be repulsive and becoming attractive (whether through an insufficient exaction of labour, or through a too abundant and luxurious diet, or through any other abuse)—and in accordance with the general principle that whatever is awarded as a punishment for guilt, ought at least to be accessible to the innocent—the door should be open to all such as may desire to subject themselves, for a period, to prison discipline, without demand, as now, for qualification by crime.

In conclusion, I hope I may be allowed respectfully but earnestly to submit for the consideration of all Governments, the expediency of at least giving the principle I have advocated a fair trial, by selecting, for instance, one or more pairs of prisons, as much like each other as practicable in structure, situation, ability of managers, and other circumstances, and introducing productive labour into the one while retaining penal labour in the other; so as to afford the means of trustworthy comparison at once in direct expense, and in the subsequent career of their respective prisoners, and, generally speaking, in their respective influence on the amount of crime.

Every one sincerely wishful of arriving at the truth, however strong his conviction on the one side or the other, must desire such trials, must court such comparisons, and will be prepared to abide by ascertained results. Surely, where interests are so great and promise so fair, experiment should be neither slighted nor delayed.

PRISON LABOUR.

By C. ASPINALL, E. LAWRENCE, AND S. G. RATHBONE, MAGISTRATES OF LIVERPOOL.

As we understand that one of the most interesting subjects discussed at the International Congress for the Prevention of Crime will be the question, 'How far all prison labour can and should be made remunerative,' we venture to offer some remarks upon it.

We do not believe, in the first place, that all prison labour can be made remunerative, because if all prisoners, including the naturally unskilful and all in prison for short periods, were put to industrial labour, the expense of instruction, supervision, repairing tools, and waste of materials would more than eat up the profits. We do not believe, in the second place, that it is desirable to employ all prisoners on remunerative kinds of labour, because industrial labour cannot be proportioned with sufficient accuracy to the various amounts of skill possessed by different prisoners to secure the energies of the majority being tasked to an irksome or disagreeable point.

If, therefore, hard labour is to be maintained (as we think it ought to be) as a penal element in our prison discipline, it must be labour which is hard from being disagreeable and monotonous in its nature. If any person doubts this proposition, the way to test the truth would be to ascertain the average daily tasks performed by prisoners who have been long enough in prison to acquire abundant skill, and then to compare these tasks with the amount of work done in the same kind of industry performed by those who have to gain their living by it. We venture to assert that it will be found that hard industrial labour in a prison means one-half to two-thirds of the amount of work performed by innocent persons who have to make their living by it. We are further of opinion that if penal forms of labour are combined with industrial labour under a proper system, the effect is to stimulate industrious habits in the prisoners. In the prison of this borough, and we believe in many others, the able-bodied female prisoners are employed in oakum-picking, and the able-bodied male prisoners in treadmill

labour, combined with the industrial labour, during the whole of a short sentence and the early part of a long sentence. If the long-term prisoners perform the allotted tasks in oakum-picking or industrial work they get good marks ; by the accumulation of these, they work themselves into the higher classes, in which they perform no penal labour, and become entitled to certain privileges. On the other hand, if prisoners do not perform their tasks, they get bad marks, and do not rise ; and if prisoners who have by industry worked themselves into a higher class relax their efforts, and accumulate bad marks, they are put back, and are a second time subjected to the penal labour and other privations. The desire to escape from or avoid a return to penal labour is thus made the means of stimulating the industry of the prisoners in the performance of industrial task-work during the whole of their imprisonment. The results of the combined penal and industrial labours under the marking system, in reducing the number of punishments for idleness and neglect of work, have been very satisfactory, as the following figures will show, the marking system having been introduced into the prison in October 1866, and the treadmill labour in July 1868.

Return of punishments for prison offences for the official years ending September 30 :—1865, number punished, 5,120 ; 1866, 5,402 ; 1867, 7,160 ; 1868, 5,243 ; 1869, 2,738 ; 1870, 2,569 ; 1871, 1,935.

The severer character imparted in this country to the conditions of prison life in late years has formed only one part of a general and consistent policy in the treatment of criminals, the tendency of which has been to make the consequences of a career of crime more and more intolerable, while, by the establishment of discharged prisoners' aid societies, greater facilities have been given to discharged prisoners to return to orderly lives.

The results of this combined policy were not immediate, but are now fulfilling the most sanguine expectations of those who have advocated it. It has been followed by a great decrease in the last few years in crime in this country, as the police statistics show, and in this town the decrease has been very remarkable.

The following are particulars of the offences against property, with or without violence, reported to the police—namely, in

1865, 12,213; in 1866, 12,209; in 1867, 12,124; in 1868, 12,074; in 1869, 10,584; in 1870, 10,695; in 1871, 9,692.

The following figures show the decrease in the apprehensions for the more serious classes of crime in the town:—

Indictable offences and assaults:—In 1865, 5,473; in 1866, 5,106; in 1867, 5,198; in 1868, 4,957; in 1869, 4,882; in 1870, 4,470; in 1871, 3,805.

The following are particulars of the male adults sentenced to hard labour:—In 1867, 2,511; in 1868, 2,507; in 1869, 2,418; in 1870, 2,383; in 1871, 1,855; first months of present year, 813.

We are sorry we cannot give the figures for a longer period, as the necessary particulars were not kept before 1867, but they are very significant for the period they include.

Some persons argue from the slight increase there has lately been in the proportion of prisoners who have been previously convicted that our present system is a failure, but this increase can be otherwise explained.

The police supervision to which prisoners are now subjected on discharge increases the danger which old offenders incur of detection if they relapse into crime, while the increased pains now taken to trace their past history, by photography and other means, results in previous convictions being more regularly proved and recorded against them. We further maintain that the question of whether a system of prison discipline is or is not reformatory on the prisoners directly subjected to it is a very subordinate question to the question of what is its indirect influence on that large class of weak or ill-disposed persons who are hovering on the verge of crime. The number of persons brought under the direct influence of prison discipline is extremely small compared to the number who must be indirectly influenced by the accounts they receive of it from discharged prisoners, and by the general impressions those accounts convey to the public mind of the character of prison life.

It would in truth be most satisfactory if it should hereafter appear that an increasing proportion of the diminishing number of crimes committed in this country is committed by old offenders, as it would show that the present treatment of criminals is restricting the area of crime, and would warrant

The Hon. J. R. CHANDLER (Pennsylvania) contributed a paper 'On the separate and congregate system of imprisonment.'¹

To the question by what system may the reformation of criminals be most efficiently accomplished, Mr. Chandler answers 'by complete and entire separation.' He is careful, however, to discriminate between the solitary and the separate system, of the first of which—nowhere now practised in the United States—he utterly disapproves. He defends the separate system as employed in Pennsylvania from the charge that it leads to insanity, and points out that because a man is insane in prison it does not follow that the discipline of the prison has made him insane. Statistics show that the number of the insane is not greater in such separate than in congregate prisons. Each prisoner in separate confinement feels the advantage of proper conduct, of conformity to the rules of the place, and attention to the advice of visitors, and finds in the end that his own condition arising out of a separation from other prisoners is more desirable than that of the convict, who, with whatever intention of improvement, is compelled to make acquaintances in prison which he must recognise beyond the walls, and who, after legal discharge from the restraints of the penitentiary, must live in continual fear that some companion of his imprisonment will invade his new home, and expose his disgraceful antecedents.

The Board of Public Charities of Pennsylvania contributed through its president, G. L. Harrison, testimony to the same effect in favour of the separate system. The Board has declared that 'Prevention of intercourse between convicted criminals from first to last, we esteem indispensable to successful effort for their reform. Let them have stated, and, as far as may be, diversified occupations; let them have carefully selected books for entertainment and instruction; let them receive visits from judicious friends and counsellors seeking their good; but keep them away, while in the custody of the State, from inter-

¹ The Editor has omitted most of this valuable paper, in consequence of the complete way in which this question has been already considered. See Part I., under 'Belgium,' and other heads; the admirable summary of the relative advantages of the two systems, from the Belgian point of view, in Part II., under M. Bournât's report; the memorandum in Part III. from the Belgian committee, and Mr. Brockway's paper.

course with each other ;' and the warden of the Eastern State Penitentiary of Pennsylvania, after twenty-five years' experience of the separate system and a thorough knowledge of the congregate system, is equally emphatic in his preference for the former.

The Rev. J. W. SULLIVAN, chaplain of the Indiana State Prison (south), United States, contributed a paper on 'The Essential Basis of a Reformatory Prison Discipline.' He asks first, what is the essential basis of such a discipline? and second, what are the special agencies to be employed in the work of reformation? In reply to the first he maintains that the following fundamental principles should underlie every such system:—First, it must work with nature. Thus we must develop the prisoner's sociability as one of the vital forces of a free society. The writer quotes Captain Maconochie, Mr. F. Hill, and other writers of acknowledged authority, to show that without association it is impossible that the prisoner can be fitted for the outside world in which he will have to take his place. We must also allow hope ever to be present. We should, as far as possible, allow this to play by placing the fate of the prisoner in his own hands. Then, again, such a system ought to gain the will of the convict. The man must work out his own salvation. In reply to the second question, the agencies to be employed are—a hearty desire on the part of prison officials to co-operate in the prisoners' improvement. This, above all, was requisite, and could only exist with a conviction on their part that prisoners were capable of improvement. A progressive system of classification was also necessary, together with religion, education, the formation of habits of industry, the knowledge of a trade, an improved system of sentences, and complete separation between politics and prisons. Above all, the paper attaches importance towards securing prison officials of purity, energy, intelligence, benevolence, industry, high moral principle, and, lastly, religion.

AID TO DISCHARGED PRISONERS.

T. L. MURRAY BROWNE.

It is obvious that a prisoner just released from gaol and seeking work is placed in a position of peculiar difficulty, yet it is of the highest importance that the man should be able to obtain employment. The most perfect prison system—the most elaborate combination of deterrent and reformatory influences—must in a vast number of cases fail in its effect if, on the discharge of the criminal from gaol, he finds it impossible, or at least highly difficult, to obtain bread except by stealing. In truth the penal and police system of a thickly populated country cannot be said to be complete until it includes some agency whose function shall be to help discharged prisoners (in proper cases) to get work, and to support them until they do so.

It is of course assumed that the prisoners so to be befriended need such assistance and that they appear to deserve it, so far at least as their prison conduct enables a judgment to be formed of them.

This work may be performed in more ways than one. It may be done by regularly appointed Government officials. Under the Irish convict system, as worked by Sir Walter Crofton, it was so performed, and with marked success. It is obvious, however, that in this case the officials employed must be men selected with great care, and men of much zeal and energy, having their hearts thoroughly in their work. Such men are not always to be met with.

In England, the work in question has been chiefly discharged by Prisoners' Aid Societies. There are, I believe, thirty-four such societies in England and Scotland; covering all the principal counties and largest towns in those kingdoms, but leaving a full half of the entire area of the country still unoccupied. From twenty-seven of these societies I have received recent reports. There remain seven societies from which no report has been

received. Several of these, however, work upon a very small scale, so that in round numbers we may estimate the total number of persons befriended by Prisoners' Aid Societies during the year 1871 at 5,500 at the least.

How, then, are these societies constituted, and whence do they draw their funds?

In the first place, they are all VOLUNTARY associations of benevolent persons, formed for the purpose in question. Some societies have no official character whatever. The majority, however, possess a semi-official character, the precise nature of which I have not time to describe in detail: nor is it material to do so. It is sufficient to say that, either by arrangement with the directors of the Government convict prisons, or under the provisions of an Act of Parliament (25 & 26 Vict. c. 44), an official recognition is given to the societies in question, and their funds are, to some extent, augmented from public sources. This aid takes the shape of small sums placed in the hands of the societies to be applied for the benefit of particular prisoners. These sums often consist of a very few shillings; and in no case is more than 2*l.* or 3*l.* so placed to the account of a single prisoner.

The additional moneys required for the assistance of the prisoners and the necessary working expenses of the societies are raised by voluntary contributions. The managers of the societies are in all cases volunteers; for although it very commonly happens that the governor or chaplain of a gaol takes a principal part in the superintendence of the work, yet he does so not in his official capacity, but as a private individual.

These institutions may be divided into two classes: those which assist males and those which assist females. For although many societies do as a matter of fact extend their operations to both sexes, yet in such cases their work divides itself into two parts, constituting separate branches separately carried out.

I propose to deal, in the first place, with societies assisting male prisoners. These, again, may be subdivided into two classes--viz., those which maintain Homes or Refuges for discharged prisoners and those which do not. The first class, those which maintain Refuges, will be dealt with in the first place.

So far as I am aware, only two societies in England maintain Homes for adult male discharged prisoners. Of these by very much the largest is the Wakefield Industrial Home. Here the discharged prisoners are maintained as inmates of the Home, and are kept at industrial work, often for a considerable time, until employment can be found for them elsewhere. The system has its advantages. It furnishes a test of the sincerity of a man's good resolutions before he is sent forth into the world; and it has been worked successfully at Wakefield, which town affords special advantages to such an institution. But although several such Homes have at different times been established in the South of England, all have, from various causes, failed, and the great majority of Prisoners' Aid Societies prefer a different course of action. In so doing they are influenced partly by a desire to avoid the expense and trouble occasioned by the maintenance of a Home, partly by a doubt as to the expediency of maintaining a number of discharged prisoners together in association without the stringent discipline which a legal authority can alone render practicable; and partly by a conviction that, after all, the best thing they can do is to thrust the discharged prisoner into the labour market, and obtain work for him at the earliest possible time.

My own impression is that, for the reasons I have stated, it is in general better *not* to maintain Refuges for adult male prisoners. It is otherwise as to societies dealing with *women*.

I pass on to the second class of societies aiding male prisoners, *i.e.* societies who do not employ Homes. Their object is to support the prisoner until he gets work; to help him to get it as soon as possible; and further, to give him such general advice and assistance as they may have opportunity. The first thing to be done is to provide for the prisoner's maintenance until he obtains work. This, however, is a comparatively easy task. It may be done either at his own home (if he has one) or in temporary lodgings. But to find work is a more difficult matter. For this purpose a paid agent is usually employed, generally an old police-officer. His duty is to receive the prisoner on his discharge, to watch over him, and to exert himself to obtain work for him. Here—namely, in obtaining work—is of course the master difficulty which has to be overcome; but experience happily proves that it can be overcome,

though not without judgment and perseverance. To provide a man with necessary tools, clothes, and stock in trade according to his calling in life, will do somewhat. The personal knowledge, experience, and exertions of such an agent as I have described, will do much, the good will and energy of the discharged prisoner himself will do most of all. It is found in England that as a general rule a man's best chance of getting work lies in returning to the district in which he formerly dwelt, and to his former trade or occupation. Trades learned in prison are seldom of much use; moreover, it is not often that a prisoner is found who has not at some period of his life exercised some occupation to which he may return. Emigration is employed only to a very small and trifling extent, mainly on account of its expense. Many lads are sent to sea in the merchant service. The rest are absorbed, sooner or later, by the home labour market, generally in the neighbourhood of their old homes and in their former trades.

The reluctance of employers to give work to men who have been convicted, has, I think, been somewhat exaggerated; indeed I have sometimes been astonished at the apparent carelessness with which former masters will take a discharged prisoner again into their employ, even with the fullest knowledge of his guilt. I am now speaking, however, of positions which do not involve any great amount of trust. There are some classes of persons who are fitted only for situations involving trust, such as clerks and others, and when these become convicted very great difficulty is found in assisting them.

The society with which I am myself connected—the Metropolitan Discharged Prisoners' Relief Committee, in connection with the Reformatory and Refuge Union—has during eight years assisted upwards of 4,000 persons, or an average of 500 a year; yet in no case has it been found necessary to turn a man adrift who was able and willing to work because no work could be found for him. The experience of others does not vary very greatly from our own.

It further appears, from the records of the same society, that so far as is known, after careful inquiry, not more than 5 per cent. of those who have been assisted to obtain employment have been reconvicted. Other societies can show results equally satisfactory.

I now pass on to the second great division of Prisoners' Aid Societies, *i.e.* those aiding WOMEN.

These institutions have in many respects a harder task to fulfil than what I may call the men's societies. With the exception of a certain number of first convictions, almost all convicted women in England are prostitutes as well as thieves. They require, therefore, a double discipline, suited to fallen women as well as to criminals. Again, unless the female prisoner has friends able and willing to receive her upon her discharge, almost the only field for her labour in this country is domestic service; and it is unreasonable to ask mistresses of households to take servants straight from the prison doors. Experience seems to show that it is generally indispensable that female prisoners should pass for a time, before they go out into the world, into some species of probationary institution, where the sincerity of their good resolutions may be tested, and where they may be trained, in all senses of the word, to better things.

Accordingly all female Prisoners' Aid Societies, so far as I am aware, employ Homes of some sort or other. The best examples of these are to be found in the Homes for *convict* women, technically so called, *i.e.* women who have received a sentence of not less than five years' penal servitude. These are three in number: the Carlisle Memorial Home, established mainly through the exertions of Sir Walter Crofton, and two others. These Homes possess a definite official character, somewhat resembling the intermediate prisons of the Irish, or Crofton, convict system. No prisoner is allowed to enter them until, by good conduct and industry, she has gained a certain number of marks in prison, and has also served a fixed proportion of her sentence. *She then receives a ticket of leave*, and at her own request enters the Home. Here, though no longer in prison, she is subjected to a strict discipline, and is liable in case of misconduct to be sent back to prison again. Meanwhile she is employed in industrial work; while every influence and agency for good is brought to bear upon her moral being. The Homes are supported partly by voluntary contributions, partly by a Government subvention. The women generally remain in the Home for periods averaging from six months to a year. When they leave, the managers of the Home

find employment for all those who require it; usually in domestic service. The results are of the most satisfactory description.

I have spoken of the Homes receiving *convict* women. Other societies aiding female discharged prisoners work somewhat in the same way, but owing to the state of the law their system is less complete. The managers use their own discretion as to women they receive into their Homes. They have no legal control over them, nor do they receive any considerable assistance from State funds. They usually get their *protégées* into domestic service when they leave the Home.

If I may be allowed to comment upon the existing state of things, I would make two suggestions by way of improvement.

Firstly, that more liberal assistance should be given from public funds to Prisoners' Aid Societies, which are at present much pressed by want of means. This course is dictated as much by economy as by charity. The pecuniary saving occasioned by the reformation even of a few prisoners will pay the whole expense of a Prisoners' Aid Society over and over again.

Secondly, that the system should be made complete, so as to extend over the whole land. One half of the entire area of the country is still unprovided with these agencies. It is true that the governors and chaplains of many gaols occasionally afford help to the prisoners discharged from their superintendence. But such aid is irregular and unsystematic; and is incomplete, both in quality and quantity, from want both of the necessary machinery and of the necessary funds. No gaol should be without a regularly constituted Prisoners' Aid Society. I earnestly entreat all who hear me, more especially the English, to do their utmost to supply this want. Any information or assistance which I can give in this respect will be most willingly rendered.

For further information I may refer inquirers to the Reports of the several Societies, to the 'Proceedings of the Conference of Prisoners' Aid Societies, London, 1871,' published by the Reformatory and Refuge Union, 24 New Street, Spring Gardens, and to a paper by myself, entitled 'Suggestions on the Formation of Prisoners' Aid Societies,' also published by the Reformatory and Refuge Union.

Mrs. MEREDITH contributed a paper on Discharged Female Prisoners' Aid. She urged that a woman after imprison-

ment is placed in peculiar circumstances, to which the life of a man has no parallel. It is, therefore, claimed for her that she should pass a little in review before those who desire to relieve persons of her unhappy class. In this country, at least, it is remarkable that the entire dilapidation of the life of a woman is the inevitable result of the infliction of the penalty of imprisonment. In fact, whether her incarceration be long or short, it cuts the cords that bind her to virtuous society, and she drops into an abyss, where she steadily gravitates. Whose duty is it to rescue her? Surely it is the object of this Congress to seek the answer to this question? Year by year, our volume of judicial statistics, published by State authority, contains the statement that: 'The higher proportionate number of females frequently recommitted is, as usual, remarkable.' Year by year, we who work for the aid of women discharged from prisons, are eye-witnesses of the fact; the recommitments of women resist our efforts, and stifle our charity. Mrs. Meredith urged especially that it was impossible to carry out this work efficiently except by the aid of women.

The Rev. E. ROBIN, Honorary Secretary of the Paris Protestant Discharged Prisoners' Aid Society, presented a report on the patronage of discharged adult prisoners. He contends that patronage is needful; that the two chief causes of the relapse of prisoners are, first, their moral condition; second, the distrust felt towards them. The aim of patronage should be to overcome this distrust. With this object society should be reminded that it is its interest not to repress, but to encourage the amendment of the discharged prisoner. To show this the paper calls attention to the fact that in the late Communal troubles twenty-five per cent. of those who threw society into peril were liberated prisoners. The patronage extended by the Paris Society commences by making a selection of the prisoners. This is done by visiting the prisons. Means are employed to bring the prisoners under the influence of religion. They are supplied with the Bible and other religious books. At the time of leaving the prison the *détenu* receives a card. From this time the patronage begins. In the first stage he receives relief of food and clothing for one or

two days. When he obtains work, often through the aid of the society, he enters the second stage. The society does not give money. The prisoner, however, is watched over, and has to record every change of residence. Many facts are given to show the value of such patronage. In conclusion, the paper suggests various amendments in the penal legislation of France. These are that a portion—say half—of the prisoner's earnings during his imprisonment should be given him on discharge; that an extended remission of sentence should be granted to the deserving; that discharged prisoners should be allowed to change their residence on making a simple declaration to the police; that additional facilities should be offered for the civil rehabilitation of discharged prisoners; and, lastly, that departmental commissioners should be reconstituted with the function of patronage.

A report on the Protestant agricultural colony of St. Foy (Gironde) was contributed by Pastor T. A. DELILLE. This gave an account of the colony. Most of the inmates are employed in farm-work. Its principal source of income is its agricultural produce. Since 1844, 679 children have been admitted. Most of these do well and become useful citizens.

An account of the work of the Patronage Committee of Protestant ladies at Montpellier was presented. This committee was founded in May 1839, under the guidance of Pastor Lissignol, after a visit from Mrs. Elizabeth Fry. Its aim is the moral and spiritual raising up again of Protestant female prisoners; its method of action, religious instruction on Sundays and holydays, and visits in the infirmary and the parlour. The number of visiting ladies is at present sixteen. Pastor Recoli is the president-secretary of the committee and its intermediary with the Administration. Every Sunday, at 8 A.M., the pastors of the Reformed Church, in turn, perform service in the Protestant chapel of the House. The visiting ladies give religious instruction at 1 P.M. on Sundays, holydays, and several times in the week during Lent, and each evening in the month of May—the month dedicated to the Virgin among the Roman Catholics.

The religious instruction of the prisoners is not the sole end aimed at by the committee ; it endeavours, as far as circumstances allow, to watch over the penitents when they leave the House, to place out suitably those who are fit to return to their families ; and exercises over them an affectionate and Christian influence, whether they be far or near. It is difficult to judge of all the results obtained, but it can be affirmed that they are of a nature to gratify all friends of the Gospel and of their fellow-creatures. Several of the detained women are positively reclaimed—some on their death-beds, or, when restored to society, giving evident signs of a real conversion. A certain number of these unfortunate creatures who have been seduced in early life get married, and conduct themselves respectably afterwards. They rarely relapse into evil ways, a certain number of the thieves excepted. The ladies who form part of the committee are chosen among the most pious of the Protestants, without distinction of denomination, and are mature in years. The directors of the House have often rendered homage to the intelligence and zeal with which they accomplish their delicate mission.

A paper was contributed on the ‘Reforming Labour of the Deaconess Establishment of Paris.’ ‘The foundation of the Paris Deaconess Institution took place in 1841, when the first deaconess and the first penitent entered Pastor Vermeil, the founder’s, own house, which was thus the first seat of the establishment, which so rapidly increased in number. It soon undertook, besides the “Penitentiary,” the care of the sick and that of children ; but the raising up again of penitents ever remained its work. In 1843 a reformatory for vicious children or little vagabonds, and, in 1844, a house of correction for girls under age condemned by the tribunals, or confided to our care by their parents, were added. How many were really reclaimed ? will be asked. We wish to maintain the distinction between a real conversion and an outwardly moral life. To say that half of our unfortunates are reclaimed is to be within reality in positive facts. These satisfactory results have often gained for us the approbation of our civil authorities. An asylum for servants out of place, presided over by one of our deaconesses, is

of great resource to us. We correspond with those who have left us ; and if their conduct remain correct, in case of illness we willingly admit them anew, to attend on them. We are obliged to contend against that sort of instinct that prompts them to turn to us in all their difficulties, instead of reckoning only on themselves ; but we find in this a touching proof of the good they have received ; and last year, during the Communal terror, we had of this such a wonderful testimony, that it deserves to be recorded in concluding. During the night of April 13 to 14 the delegates of the then existing authority entered the establishment with a warrant of arrest for some of our sisters, and with the intention of seizing on the first pretext to arrest them and to abolish our institution. Our deaconesses were all prisoners for some hours, during which, in an adjoining room, the delegates questioned separately each of our penitents, promising them liberty on that very evening, if, by testifying to their ill-treatment, they (the delegates) were furnished with a plea to act in accordance with their designs. God alone kept watch over our young girls at that fearful moment. Not one of them relented ; they were unanimous to exclaim that they preferred their present condition in the establishment to liberty in vice ; and one of them, a girl of sixteen, went so far as to call “ a coward ” the very man who was offering her instantaneous liberty. The ruffians, foiled in their plans, and feeling, perhaps, that the hand of God was resting upon us, retired without uttering another word.’

Mr. B. K. PEIRCE (United States) contributed a paper on Nautical Reform Schools. He insists strongly upon the necessity of not sending boys to such schools unless they show a liking for a seafaring life. For want mainly of attention to this principle, the first experiment made in the United States with a nautical reform school has not proved a success. During the ten years of its existence it had done much good, but its original object had failed. Various causes had contributed to this result—the falling off of American shipping during the war, the substitution of steam for sailing ships, the fact that the lads were sent to the ship without reference either to their liking for or their physical ability to endure the sea, in conse-

quence of which they often deserted ; that the numbers were continually recruited from the worst classes of criminal boys, and that this required a rigour of discipline which was not likely to develope moral affections ; that the ship was made a spectacle of, and its regular working thus interfered with. The writer suggests that such a ship should be engaged in actual service, and should carry freight to other shores.

THE PREVENTION OF JUVENILE CRIME IN LARGE CITIES.

By C. L. BRACE (NEW YORK).

THE greatest danger threatening both the property and the good order of large towns is from the class of ignorant, neglected, and outcast youth. These furnish the petty thieves, young beggars, and vagrants, the prostitutes, rowdies, burglars, and a large part of the masses in every great city who have no interest in the preservation of property, or in public virtue, or in the observance of the law, but are hostile to all the best interests of the community. Under democratic institutions these form a most dangerous element, because they have the immense power of the suffrage, and become the implement of those pests of free communities, the professional politicians. Under monarchical or imperial institutions they are the class at the basis of society always ready for outbreak and revolution. They are the natural enemies of property and government.

Can their growth and increase be checked ? Can the evils they occasion to society be prevented ? There is, no doubt, too general a feeling in all large towns that there are some social evils and dangers that cannot be cured or warded off. This feeling is peculiarly strong in regard to the neglected and criminal children and youth of a city. The impression among the wise and good about them is, that they have always existed, and always will continue to exist ; that their crimes and the cases of suffering among them will always maintain a certain average to the population, and that it is nearly as useless to struggle against juvenile crime as against prostitution or vagrancy. It is of the utmost importance that all labouring in the field of human welfare should be convinced that much can

be accomplished practically to check the fearful growth of juvenile crime, and to change these 'dangerous classes' into classes safe and useful to society, and able to assist it in its progress.

The foundation difficulty in all large cities has been the want of combination and a comprehensive organization against these evils and dangers. There has been a plenty of scattered efforts, of individual benevolence, of societies working on each other's field, of charities directed to this or that particular evil resulting from the condition of the neglected youth ; but, so far as we are aware, in no city of America or Europe, except New York, has there been a combined, carefully-constructed, and wide-reaching organization, which should devote itself alone to the elevating, purifying, and reforming of the class of outcast, homeless, or destitute children and youth. Organization and combination give a scope and power to such reforming and preventive efforts which no scattered efforts can attain. The 'charity fund' of the community is directed carefully to one great end ; less machinery is needed ; there is less interference of charitable efforts with one another, and less of the attempting by one association what is being accomplished by another ; the best talent and ingenuity, too, are more likely to be attracted to an enterprise on so wide a scale.

1. The first influence needed in a successful effort against juvenile crime in cities is sympathy. The great proportion of the outcast and lowest classes cannot believe that anyone cares for them. They seem outside of human sympathy. They have been forced to cut their own way with the utmost selfishness and hardness ; every man's hand has been against them ; no look or word of kindness, perhaps, has reached them from those higher than they, and they can hardly imagine that any person takes any interest in them. This solitude in a great city, especially in the case of a girl, is what especially drives her to despair and ruin. And both boys and girls feel the restraining effect continually of the sympathy or personal interest of those superior to them. Any sort of human connection between the two extremes of society will serve to dispel those prejudices and bitter feelings which form so readily in the hearts of the poor against the fortunate. The rich, too, are benefited, and brought nearer in brotherhood to those who share the same nature. When an inferior and semi-criminal

class begins to feel that those who enjoy the blessings of life have a sincere and earnest feeling of sympathy for them, half of the danger from them passes away; they are open to reforming influences, and less exposed to temptations, to outbreak and criminality.

2. It need hardly be said that school education is indispensable to the work of prevention of juvenile crime. Education in itself is not necessarily and of course a preventive in each individual case, but in broad, school-training gives the habits of steady labour, punctuality, and exactness, the taste for knowledge, and the capacity, which enable the youth to earn money in various branches, while all tend to elevate the young above criminal temptations and great poverty.

Where there is even moderate school-education there will always be a greater readiness for emigration, and the willingness and ability to change locality with a working-class is often the best means of securing them against excessive competition, and thus preserving their children from great destitution and temptation.

The statistics of education among criminals in this view are important.

The experience in the United States is, that our public schools system, to which we owe so many of our blessings, does not fully prevent the evils arising from juvenile ignorance in the cities. Owing to foreign immigration and increasing inequality of fortunes, there has come to be a class of children too dirty in habits, too ragged, too much dependent on street-trades, too irregular (from necessity) in attendance, and too vagrant or semi-criminal in mode of life, to attend the neat, orderly, punctual, and regular schools. The parents are, in fact, so poor as to need the assistance of their children a portion of the day, and the little ones depend for their daily bread on their own 'jobs' in the street or on the proceeds of their begging. No public arrangement can fully meet this difficulty, as the children are not legally vagrants or paupers, and therefore cannot be arrested. Nor could any wise public school system be founded with eleemosynary features; they would be liable to the greatest perversion, and might tend to degrade the whole organization. Still another large class are not fully covered by our public school system—the children employed in

factories and shops. Here, however, law can have an effect—by compelling ‘half-time schools,’ and enforcing school-attendance a portion of the day.

To meet the evils from a class of uneducated children there will be a necessity for the preventive measures I shall hereafter describe, along with a law making education compulsory, gratuitous, and secular.

So strong is the feeling in the United States that the interests of the whole community require the education of all, that we would rather pay the poor to be educated than not have them educated at all. Gratuitousness has not prevented the masses from appreciating the value of it; and the public has been remunerated over and over again for its taxes paid for schools by the improvement in the lower classes. Entire freedom from cost does also attract the lower members of the working-classes, and aids the very valuable impression that education belongs to all, and is, like suffrage, both a privilege and a duty.

3. Along with school-training will naturally come *discipline*, as a necessary means of improving this unfortunate class. It hardly matters what discipline, so that these young wanderers of the street are trained to control themselves and submit to order and law. All the exact virtues they are peculiarly deficient in; they are unpunctual, slatternly, careless, and averse to obey. But in teaching them discipline it is of great importance that some of their good qualities should not be checked; their capacity of self-help and their independence should be cherished.

4. One great cause of crime in this class is want of employment and the want of any industrial skill. If labour can be supplied them, or they can be taught any branch which will enable them afterwards to earn anything, they are in so far above certain temptations. In the United States the branches which will always demand workers, and which offer the best chances to the young, are garden and farm-work. With girls a short training on the sewing-machine gives the labourers good wages and constant employment. Our experience in the United States is, that it is not generally desirable to attempt self-supporting industrial movements among these children, but rather to fit them for any occupation by teaching habits of industry.

5. No work can be vital among the youthful poorer classes which does not include *religion* among its forces of influence. Nothing else can strengthen these children, exposed to every temptation, against the tide of evil influences which is bearing them down. They are peculiarly open both to superstition and religious influences. With the faith in a Divine friend, requiring purity and honour and kindness from them in daily life, feeling for them in all their troubles, and who shall one day be their judge, they can resist the worst temptations peculiar to their class and their low condition.

Though indispensable to moral reform, religion will often have to be excluded from a national system of instruction, on account of the jarring and conflicts of opposing sects. That is, national schools without nominal religion are better than no schools at all. The theory in America is that intelligence prepares best for religion, and that instruction in this may be safely left to the different sects, or to home influences.

6. The final and best practical agency in efforts in large towns for this class is the plan of 'placing out,' or emigration to country districts. This breaks up all the worst associations about these unfortunate youths, takes them from the companions and haunts of vice, puts them where others will respect them if they respect themselves, gives them the best of all labours for 'minds diseased'—labour in the soil—opens to them a chance of success and competency, and places them in the most useful class in every country—the tillers of the ground.

With unfortunate and deserted children, their transfer to the country can often be effected with but little preliminary training. New circumstances will at once call out the better tendencies, and the most hopeful feature in man—his improvability—will show itself at once in these children of misfortune in their new homes.

This method, of course, is the cheapest possible plan of reform. The expenses of 'placing-out' are a bagatelle, compared with those of a public institution—an asylum or almshouse or reformatory. It relieves the community of paupers and future criminals, and turns them into industrious producers. It destroys hereditary pauperism. It breaks up the influence of the vicious poor upon one another. It is not unjust to the children of the industrious poor, because the last thing the

poor ever desire is to be separated from their children. And, so far from encouraging the idle poor to beget children whom others shall care for, our experience in America is that what the idle poor most of all dread is lest their children in almshouses should be 'placed-out' beyond their reach.

The extended charity, known as the Children's Aid Society of New York, was founded by a few gentlemen, of whom the writer was one, in 1853 in New York. It was caused especially by the sense of the fearful evils threatening the city from its homeless, destitute, and neglected children, mainly the offspring of a poor foreign immigration.

Its first circular embraced all the features which have since been filled out in its work. It proposed to cure and prevent these evils: 1st, by opening industrial schools for children too poor or irregular in attendance for the public schools; 2nd, by employing missionaries or agents to go among and aid the destitute youth; 3rd, by opening free reading rooms for boys and young men; 4th, by founding lodging-houses for homeless children; and 5th, finally, by 'placing-out' destitute street-wanderers and homeless children in carefully selected country homes.

The association was incorporated in 1855, and for some ten years depending entirely for its means on voluntary contributions. The first year the writer, an office-boy, and one visitor were the sole executive agents. Its income that year was 4,732 dollars. Slowly and by incessant labour it was built up, until, in 1871, it had over fifty teachers and some twenty-five other *employés*, and received an income of about 200,000 dollars, of which nearly one-half came from taxation, and the other half from private gifts or bequests. It has founded twenty industrial schools, with twelve night schools for the poorest children having parents. Here the little ones have a simple meal, and earn garments or shoes by good conduct, punctuality, and industry. Here they are taught sewing, the use of the sewing-machine, and some simple trade; and, as fast as they are improved, are sent to the public schools, or are placed out in families, or enter shops or factories.

The aggregate attendance at these industrial schools the past year was 9,429, though the average was only 2,847, owing to their occupation in street trades or similar work.

One of these schools was exclusively for poor Italians, with some 300 in attendance; another for poor Germans, with 500 scholars; another for coloured (though coloured children are admitted in all the schools), with about 100. The majority are poor Irish. Very few of these children—not more than *three out of a thousand*—ever become chargeable on the authorities or commit criminal offences, though they come from the very lowest of the city. These schools supplement the public schools. They have had a wonderful effect in connection with our other operations in reducing juvenile crime in New York. If, from any cause, our association was compelled to suspend them, the public in its own defence would be obliged to open new ones of a similar character. The slight assistance given in the industrial schools, the practical work taught, and the moral influence of visitors and lady volunteer teachers, enable and attract thousands of very poor children to attend, who would otherwise be roaming the streets or growing up in entire ignorance. A system of charity schools could not with any safety be carried on by the public authorities.

These schools are, however, under the supervision of and subject to examination by the school Board of the city. Half their support is derived from a tax, collected by this Board, allowed on the average attendance of the schools. The religious instruction is substantially the same with that of the public schools, though more latitude is allowed for moral teachings. Much time is given to industrial training, and great use is made of singing as a moral agency. The object method is very generally employed in these schools as a mode of instruction.

The opening of lodging houses for street children was dictated by compassion for the great number of homeless children in our city. The first was that for news boys, opened in 1855. We have now four for boys and one for girls, sheltering together some 400 children nightly, and about 12,000 different children annually.

They are managed differently from any similar charities in other cities. Each child is expected if possible to pay for its lodging and meals, usually at the rate of five cents for each. This rule cultivates the feeling of independence with these little vagrants, and is of great assistance to our charity. In our news boys' lodging-house we receive from this source about

5,000 dollars per annum. In another house, which has been presented to us, and where, accordingly, we have no rent to pay, we carry on the whole establishment, paying the salaries, wages, and board of superintendent, matron, three children, two servants, watchman, and office-boy, with the food and charge of eighty boys nightly, at a net cost to the public of only a hundred dollars per annum. The great object of these establishments is to improve the children, and then to continually forward them to places. We do not desire the houses to be homes, but only places of temporary shelter and instruction.

Each house has, as appliances of reform, bath-room, a library, savings bank and loan fund, gymnasium, night school, and Sunday meeting attached. Each one drains into it all the floating and houseless children of the quarter. Each becomes a kind of 'moral disinfectant' of the district. If a child is entirely without means, and suffering, the superintendent lends him money to start him in a street trade, lodges and feeds him for a time, and soon starts him for a place in the rural districts, through the central office, shortly to be mentioned. About seventeen per cent. are thus lodged gratuitously.

The girls' lodging-house has attached a training school for servants, and a sewing-machine school, where last year over a thousand girls were trained in the use of the machine at a trifling expense, and went forth to support themselves. Since the news boys' house was established, over 50,000 different boys have passed through it, and 32,308 dollars were contributed by the boys towards its expenses. While they are in these houses, these children are taught lessons of order, cleanliness, and discipline. Some learn to labour, and others are trained in school lessons, and all are brought under moral influences. Through them petty thieves and vagrants become honest boys, and street wandering little girls are transformed into industrious young workers. Working under one organization, they all combine to produce one effect. They are, in fact, temporary nurseries and schools for vagrant children, to prepare them for our great remedy, of which I shall speak. So strong is our sense of the value of this remedy, that we do not encourage street trades any further than as a temporary means

of support. We have, accordingly, never sought to found even a 'boot black brigade.'

'Améliorer l'homme par la terre, et la terre par l'homme'—
'To improve man by the soil, and the soil by man'—is our motto, as it is of the great agricultural colony of Mettray.

The grand object of our visiting agents among the poor, of our lodging-houses, meetings, and schools, is to induce the lowest poor to send forth their children to the West, and to persuade the entirely homeless and orphan children to go forth themselves, and take situations with farmers or tillers of the ground.

For this purpose we have a regular machinery, which has been in constant operation during nearly the past twenty years. A resident Western agent travels through the Western States, and arranges for parties of children, wherever they are needed; he also looks after the interests of those who have been previously sent. When he discovers a village where forty or fifty children are needed by the farmers, he arranges for a public meeting on a given day, and then communicates with our Western agent in New York. This agent collects his children at the central office from the various lodging-houses and schools, or by means of the visitors, or by conference with the poor people themselves. When he has his little party arranged, of forty or fifty, he sets forth, taking the ordinary passenger-cars (in which we are allowed reduced rates), and reaches the village in time for the announced meeting. Here a large assembly is gathered in some public building, and a local committee is chosen to decide on the applications for children, and to report afterwards on their welfare. The children, who are of all ages from babyhood up to sixteen, are then placed with the farmers, *without indenture*, but with agreement to send them to school a portion of the year. Often in half a day a whole company will thus be placed in the best homes of the West. Sometimes our companies have been as large as *one hundred*. For a single party we have paid as high as two thousand dollars for fares and expenses for a journey nearly two thousand miles. A portion of the expense is, however, returned by the contributions of the farmers, so that at the end of the year, with over 2,500 children thus sent

out, they will not average us, including salaries and all expenses, more than fifteen dollars per head.

In any almshouse, or public institution, they would have averaged ten times as much, and wandering abroad and preying on the community, they would have soon caused twenty times that expense.

We have thus placed out, since we began, about 22,000 children. So far as we can learn, not more than five per cent. commit offences or become chargeable on the public. Great numbers have received property from their employers or have earned it, and are now men of means. Others are in professions, others are mechanics, or honest farmers, or are in various productive branches. Many have contributed to the support of the charity that befriended them, or have bequeathed their property to it on their death.

The experiment of 'placing-out' in the United States has been an unmingled blessing, and the most economical charity ever devised.

The children and youth who would have been petty thieves, vagrants, prostitutes, sharpers, burglars, and criminals, have been made by it honest and industrious producers. Hereditary pauperism and criminality have been broken up.

And all this at an average expense to society of fifteen dollars for each child. So far from this assistance encouraging pauperism, the one thing the ignorant poor most of all dread is the removal of their children to places in the country. And this not from any reasonable ground, but from ignorant fear and anxiety. Hardly a case in twenty years has occurred of ill-treatment of any child thus sent forth. And so carefully has the enterprise been managed, that up to this year, but one suit has ever been instituted by poor parents to recover a runaway child. Comparatively few of the children drift back to the city. Organization and combination would enable any European city to accomplish a similar work. The expense from Liverpool to Montreal is scarcely greater than from New York to Kansas.

ENGLISH REFORMATORY AND CERTIFIED INDUSTRIAL SCHOOLS: THEIR PRINCIPLES AND RESULTS.

BY MARY CARPENTER, MANAGER AND REPRESENTATIVE OF THE PROTESTANT GIRLS' REFORMATORY SCHOOL AT RED LODGE, BRISTOL.

It is important at the outset of our inquiry distinctly to define a fundamental difference between any system or institution intended for *adults*, and others intended for *juveniles*.

The adult must be placed under reformatory *prison* discipline; but the child is to be *educated* in a *home* for the sphere of life in which Providence has placed him, and which he should be prepared to enter on free from any stigma arising from antecedents for which he is not responsible. Except, then, in the adoption of some principles of universal application in all reformatory work, we shall here entirely leave the thought of prisons, which, however excellent, are totally unfit for the reception of erring children, and consider only reformatory schools for those who have broken the law, and certified industrial schools for young persons who may be regarded as having acted *sans discernement*, that is, without a knowledge of right and wrong.

The reformatory movement in Great Britain may be regarded as commencing with the Conference which assembled in Birmingham in December 1851, and which was repeated in 1853. A Parliamentary Committee followed the Conference.

The Act of Parliament which gave reformatories a status in the country became law in August 1854.

The first Reformatory Act of 1854 was succeeded by others which were consolidated in 1866.

The first Act was permissive and experimental; it gave power to all magistrates, recorders, and judges to sentence to these reformatory schools children who had committed any act punishable with not less than fourteen days of previous imprisonment, but did not require them to do so. It leaves the establishment of these schools to voluntary benevolence; they are to be inspected by some person appointed by the Secretary

of State, and, on being certified by him as fit and proper for the purpose, children may be sentenced to them by magistrates or judges for a certain number of years.

The school remains under the sole direction of the voluntary managers; but the Secretary of State may examine it by his inspector at any time he pleases; if the state of the school is not satisfactory he may withdraw the certificate, and the school then ceases to be a reformatory school under the meaning of the Act. The Secretary of State thus acts *in loco parentis* to the child, and when placing him in a school satisfies himself that it is well suited to his training. The Secretary of State makes a grant for a fixed sum per head for each child sentenced to the school as long as he is in it. In addition to this, counties or boroughs may, if they think fit, raise a county-rate, and make an agreement with the managers of any school to contribute towards its support. The Secretary of State has the power of discharging the child at any time; this is frequently done when the managers make application on the score of good conduct. The manager of the school may grant a licence to any inmate, half of whose time of detention has expired, to be at large on trial under the responsibility of the school.

The parents of the children are compelled to pay whatever may be ordered by the magistrates towards the expense of the school while in the school, and this contribution relieves the treasury.

The general provisions of the Certified Industrial Schools Act are the same as those for reformatories. The difference lies in the fact that these are intended for young persons in a state of *proclivity* to crime, who have not yet been in prison. Children under twelve may be sent to these for any offence whatever, and none ever admitted above fourteen, or retained when past sixteen. A smaller allowance is made for these schools, a less expensive staff being required.

Considerable variety may be expected in the general management of reformatory institutions, since there is free scope given to managers provided the necessary conditions are complied with, and the results of their management are satisfactory. Practically, however, the general state of the reformatories and certified industrial schools indicates that certain principles of

management have been generally adopted in Protestant institutions. They may be summarised as follows:—

First, that the inmates shall be placed, as far as possible, in a natural condition, and that a home feeling shall be inspired into them. Hence it is desirable that the institutions should not be too large to admit of this, and that there should be various schools adapted to receive fifty or sixty inmates in different parts of the country, rather than large central ones. When, as at Redhill Reformatory, some hundreds are under one management, the inmates are divided into separate houses, as at Mettray in France, and a home influence is thus kept up. This system has not only had the effect of giving the scholars a personal interest in their institutions, but has excited in the managers considerable sympathy with the children confided to their care, and much benevolent voluntary effort to promote their welfare. It has thus inspired confidence in society at large, and enabled the young persons so brought up to enter on their future life with a fair opportunity of filling their part in it satisfactorily.

In the general training in reformatory institutions, industrial work, and, if possible, out-door employment occupies a very prominent part. This prepares the inmates to gain an honest livelihood, and is also an important means of developing the faculties, both physical and intellectual. In the case of girls, all such occupations are taught as will prepare them for domestic life: at least three hours a day are devoted to religious instruction and the ordinary branches of education. Sufficient time is allowed for recreation and occasional innocent gratification. The food, clothing, and surroundings in reformatories are such as are adapted to working boys and girls, and conduce to their health and civilisation, without giving them undue indulgence.

After twenty years of earnest work a new principle has thus been established in the country. It is now generally accepted that equally for the true welfare of society, and for the good of the individual, the erring child is to be reclaimed and educated instead of being punished in gaol, and thus enabled to begin his career in life without a stigma upon him. The verdict of society has been given in favour of the system, and the Secretary of State has recently stated in the House of

Commons that a considerable diminution of juvenile crime has been the result of it.

We may, however, desire to know more definitely what have been the actual results of the establishment of reformatory institutions. These can be very inadequately shown by statistics, however carefully collected. A young person who may appear in the returns annually made to the inspector of reformatories as a failure, may afterwards show the fruits of the seed sown, and become a respectable character. Again, temporary causes may affect the returns from some schools at particular times, and lower the average without affecting the real general results. As a specimen of the returns which are annually made, it may, however, be stated that in the four years, 1862, '63, '64, and '65 inclusive, 70 girls were discharged from the reformatory of which I have the management. Of these only one was reconvicted during that period, nine others were doubtful or unknown, and sixty were maintaining themselves respectably, six of them having been well married. When we reflect that the greater number of these girls would have been necessarily degraded, and probably lost to virtue, if they had not been thus rescued, such a fact alone, which is far from being an isolated one, speaks for itself. But without referring to any such individual facts or to any averages or statistics, we may state a few important and striking results.

In the first place, juvenile crime as it existed twenty years ago has been *absolutely annihilated*. At that time there were regularly organized gangs of young thieves; there was professional training for them, and they were taught a special language. One woman whom I knew boasted that she had trained fifty, and her own daughters showed themselves apt scholars. In large cities there were well-known receivers of stolen goods, who gave a lodging to any unfortunate young persons whom they could lure into their wiles. The homes of forty young thieves, selected at random in Liverpool gaol for visitation, presented a history which would be incredible to those unacquainted with that portion of the population. The convict class was regularly recruited from the ranks of frequently convicted young thieves, who had had their training in the gaol. The individual careers of many such boys and girls, which are recorded in my works, 'Reformatory Schools' and 'Juvenile Delinquents,' as

selected from the reports of the Rev. J. Clay, the Rev. T. Carter, and many others, now have the air of romances, and are happily at present matter of history. Besides the direct moral and physical injury done to society by precocious young thieves, no one can calculate the indirect damage every one of them has caused within the sphere of his influence. At the commencement of our reformatory work we had often to deal with young persons who had been in prison six or eight times ! Now such would be searched for in vain through the length and breadth of the land, and cases of even two convictions are now not common.

Secondly, the public has been awakened to the duty and to the practical utility of endeavouring to reform juvenile delinquents, and many benevolent persons have been roused to personal efforts on their behalf. Formerly a despairing apathy rested on the heart of the nation, and its conscience was blunted by the assurances of political economists, that every attempt to cure moral disease was a premium on crime, and would thus increase the evil. Now it is well understood that in this matter, at least, sound political economy and true Christianity are not really at variance, and the heart and conscience of the nation have been opened to bestow money and effort, as well as love and sympathy, to save these young ones.

Thirdly, the results of our reformatory work have for many years been so satisfactory that the public has become convinced of its reality. Our children are even sought for in preference to others, as being better prepared for work than ordinary children. We have thus indicated the way in which young children of the labouring classes may be prepared for their station in life. The objects we had in view have thus been accomplished.

CRIMINAL CAPITALISTS.

BY EDWIN HILL.

I HAVE been requested to open the discussion of the question, 'In what way can the receivers of stolen goods, or persons who knowingly give house-room to thieves, or who otherwise act as Criminal Capitalists, be effectually dealt with, so as to destroy the organization of crime on a large scale?'

That the numerous bodies of criminals infesting our large towns, and subsisting mainly by plundering their neighbours, taken with those who, although not actively engaged in the work of robbery, do nevertheless knowingly profit—directly or indirectly—by affording essential aid and support to the more prominent members of the predatory class; that these taken collectively form a virtual organization, the several parts of which are incapable of operating with success except in combination with each other, is a proposition that, however firmly established in the minds of those who have carefully investigated the subject, appears as yet scarcely to have been even entertained by the public mind, much less to have become so impressed thereupon as to have taken its place as 'an established and influential truth.'

This, so far as regards the general public, is not to be wondered at, seeing that when subjected to the hostile operations of the burglar, the garotter, or the pickpocket, our minds are so occupied by resentment against the immediate perpetrators, that we seldom give a thought to those unseen virtual accomplices, but for whose aid the plunderers would not have been in a position to inflict such injuries upon us. These are:

1st. The providers of homes for the predatory class—i.e. dens for the thieves—every shilling of rent obtained for them being got by the pillage of their neighbours.

2ndly. The flash-housekeepers, who provide the places wherein the dishonest may find sympathy and fellowship, and wherein they may give and receive information and assistance in concocting plots for despoiling their neighbours.

3rdly. The booty-mongers—viz., those who make it their business to cash the booty of the thieves—whether by purchasing or by advancing money upon it—regardless of the means by which it must have been obtained.

4thly. The inventors and constructors of instruments adapted to the purposes of the burglars, and especially to the breaking open of iron safes; such instruments sometimes showing much (perverted) ingenuity in their construction, and being of elaborate workmanship.

Upon reflection, it is clear that each of these purposes requires for its accomplishment the possession of capital, more or less; and the men who so employ their capital, wholly or partially, are truly the capitalists of the criminal organization.

Now, few economical propositions are better understood than that no organized industrial operation whatever—be it good and useful, or evil and pernicious—can possibly be carried on without the aid of capital. With reference to the question before us, let us consider the case of a town—and such there are to my knowledge—wherein the owners of house property are united in the determination absolutely to refuse tenancy to all persons of bad character. Now suppose an active member of the predatory class—his own home having become too hot to hold him—should some day happen to find himself in this particular town, and seeing the wealth of the place, and that from the immunity previously enjoyed but little care was taken to guard it from depredation, to carefully consider the chance of this place proving an eligible field for his future operations. He would soon discover—1st. That his inability to produce a satisfactory character would be an absolute bar to his obtaining a residence. 2ndly. That there was no flash-house where he could look for the assistance and the sympathy of others pursuing the like objects with himself. 3rdly. That no booty, excepting money, would be of any service to him, for want of a market for its disposal; and lastly—That should his pursuits require the aid of peculiar instruments, none such were there to be had. His inevitable conclusion, therefore, would be, that he had better move off at once to some place wherein the wholesome rule, ‘No honesty no house,’ was less sternly carried out.

Now if the absolute withholding of capital from criminal

pursuits—for this is what the circumstances detailed really imply—would produce, and in known cases actually does produce, an effect so wonderfully preventive of crime, we may surely assume that its total withdrawal in places wherein its use in the support of criminality has not hitherto been prevented, would be just as effectual in extinguishing the criminal organizations there in existence, and of which it forms the life-blood. I ask leave here to particularise two of the most distressing evils of the existing state of the criminal population, and which in such case could not fail to be suppressed—viz., 1st, the birth and rearing of children in the midst of criminality ;—in short, so environed by crime, that their escape from utter contamination would require an interposition but little short of a miracle ; the waste of life among the criminal population of this country being estimated to require to make it good the birth of seven infants per day. And 2ndly, the corruption of the children of honest and industrious parents, partly by the bad company from which now it is next to impossible to keep them wholly separate, and partly by the temptations to pilfering offered on all sides by the facilities for the disposal of pilferings afforded by unscrupulous dealers and money-lenders.

I will assume, therefore, that whenever the criminal capitalists can be driven or scared from the field, the predatory classes, deprived of the support of capital, must soon fall into extinction. But it may be said, in like manner, that, could the mere operative thieves be all driven from the field, organized criminality must equally cease to exist. Granted,—and society has, apparently without giving the matter much thought, adopted this last mode of proceeding almost exclusively. It has made vast efforts and incurred enormous expenses in its long-continued attempt to put down the army of thieves by attacking them individually ; but with what success ? Is it not notorious that the hostile force still keeps the field, scarcely, if at all, diminished in numbers ; following their vocation of outraging and plundering their neighbours with undiminished strength and audacity ?

Surely it is time that we turned our earnest thoughts to the other plan, viz., that of attacking the capitalists of crime, instead of confining our attention, as hitherto, almost exclusively to the mere operatives. Indeed, seeing that the capitalists are but few,

whilst the operatives are many; that the capitalists must be men of fixed position comparatively, whilst the operatives may be almost likened to the birds of the air; that the capitalists, having property at stake, and some position in the world to lose, cannot but be greatly more sensitive to the terrors of the law than the others;—it would appear that, had our criminal legislation been based upon well-directed and exhaustive inquiry, instead of being mostly hand-to-mouth law, the vastly superior efficiency of an attack upon the capital embarked in criminal pursuits, in comparison with an attack upon the mere journey-men thieves whom it virtually employs, would have been recognized as a matter all but self-evident, and would, of consequence, have been adopted as a guiding principle in our preventive legislation.

In considering the means of curing a given evil—in this case, the means by which we can secure the permanent withdrawal of capital from the support of crime—we ought first to think whether we do or do not possess a sufficient knowledge of all the circumstances of the case. In the present instance it may be difficult to imagine what further information the most searching inquiry could bring out, but seeing what unexpected facts have been brought to light on former occasions by authoritative inquiry,—to go no further back than to the case of the Sheffield outrages,—I think it most important that such an inquiry should be instituted as respects the subject before us. In the meantime, however, we have to make the best use we can of the information already acquired.

In the first place, as to the harbouring of thieves. The Legislature has twice had this subject before it, but in each case it has manifested a (to me) most unaccountable reluctance to do anything more than to adopt a few feeble palliatives. What was wanted was, First, to empower the owners and managers of houses to get rid of bad tenants upon discovering that they had such. Secondly, to make it absolutely unsafe to the said owners and managers to knowingly suffer such tenants to continue in their houses. Thirdly, to make it the duty of the police to give formal notice to such owners and managers, whenever they (the police) should have good reason to believe their tenants to be members of, or in any way linked to, the predatory class. Fourthly, to require that in all important

police establishments a few men of superior ability should be charged with the duty of discovering and reporting all places wherein either thieves were harboured, or stolen property dealt in, or instruments and other aids supplied to the plunderers. Fifthly, that the courts should be empowered (under suitable regulations) to attach and deal with any house (or other premises), upon proof of its being persistently used for unlawful purposes; reckoning as such the housing of persons living by plunder.

In illustration of the necessity for such a power, I will mention, 1st, that from the chaplain of the Borough gaol at Birmingham, I learnt some time ago, that no less than thirty-five prisoners had come in succession from a single house in that town; 2ndly, that thinking it probable that the sale of obscene publications—to suppress which such strenuous efforts have been made by the Society for the Suppression of Vice—was mostly confined to certain houses, I recently made inquiry at the office of the Society, and was informed that such was really the case; it having become known to the officers of the Society that several houses wherein this pernicious trade has long been carried on are owned by a single individual, the men successively prosecuted by the Society being merely his instruments. And in answer to my further inquiry, a strong opinion was expressed that had the courts been empowered to deal with these houses as herein suggested, this abominable nuisance, which has proved so tenacious of life, would in all probability have been suppressed at once.

It is well known that in London and elsewhere there are houses that have been specially adapted for the reception of thieves and their booty, having duplicate staircases and different outlets for escape, and being provided with bell-wire communication with adjacent houses, by which to receive notice of an impending visit from the officers of justice. In the great State of New York the devotion of house property to the aid of criminality appears to be carried on to a greater extent even than it is in this country; for in the Report of the New York Prison Association, it is stated that in numerous towns upon the great lines of railways and canals, 'there are established rendezvous for professional criminals, that are as well known to them as Astor House and Delavan House are

known to business travellers.' In short, it would appear that in the State of New York, as in England, there is no law whatever to prevent any one from building and fitting up a house or houses expressly adapted for carrying on the business of robbery. Indeed, the House of Commons did actually strike out of the Habitual Criminals Bill the provision therein inserted for bringing guilty proprietors to justice ; thus virtually authorising them to make their houses dens of thieves if so minded. I presume that if a piratical ship were captured, and it was made clear that its owner well knew the purpose for which his ship was employed, the plea 'may not a man do what he will with his own?' would scarcely save his ship from condemnation, or even save him himself from being sharply taught by a criminal prosecution that 'property has its duties as well as its rights.' Why should not a piratical house be as obnoxious to the law as a piratical ship?

In the second place, as to the criminal capitalists who employ their means in cashing the booty for the operative thieves, the English law fully recognizes their guilt, and threatens them with condign punishment *upon detection*. But when the occasion arises for carrying these threats into effect, the law suffers itself to be defeated ignominiously by futile technicalities totally opposed to its spirit; so thoroughly defeated, indeed, that, as respects London, it is highly probable that for one case of receiving stolen goods brought to punishment there are four or five thousand that escape. This paralysis of the law is easily explained, and might easily be cured. You stop a thief carrying off your plate-basket; you demand to know what he was about to do with it, and find that he was taking it to Mr. —, not far off, whom he had dealt with before. You reflect that your plate can never be safe so long as there is a scoundrelly dealer near at hand, who will buy it for melting down, whoever may bring it, and however plainly it may show that it bears your crest or cipher. Hence you determine to detect and punish this encourager of thieves; and for this purpose you allow and encourage the thief to carry the plate to him as he had intended. This he does; the plate is bought and paid for (perchance for half its value as mere silver), but you pounce upon the dealer before he can either deface or conceal it, and you feel sure that you have secured his conviction. But no; the law espies the circumstance that by stopping the thief you had momentarily

recovered the control of the plate, and rules that hence the character as stolen property no longer attached to it, and that consequently the dealer is entitled to be treated as a pure and upright man, a faithful member of society, with whose proceedings it would be an act of tyranny to interfere! Now it is at least a supposable case that you and your thief messenger might be stopped and overpowered on your road by roughs, some of whom might effect your detention whilst the others sold the plate to the dealer, who, if perchance caught in the fact, could not in such case escape conviction and punishment. But what casuist, I ask, could discover a particle of difference in the guilt of the dealer in the two cases supposed? Or who would maintain that the circumstances of the first case did not as effectually prove him to be a dangerous enemy to society, which it must put down in its own defence, as it would be proved in the last case?

When a man is clearly proved to have fully intended a crime, and also to have done what in him lay to carry out such criminal intention, it is surely most unwise in society to suffer him to escape correction, either because of the frustration of his attempt by some chance circumstance, or from some subtle but childish-absurd distinction being held to take his offence out of the strict letter of the law. In the matter before us, if the law were made to define the offence to be the reception of goods *presumably* stolen, or *presumably* obtained by *unlawful means*, the whole difficulty of detection would vanish; as no doubt the police would well know how to obtain the assistance of some of the thieves—repentant or otherwise—in effecting the detection of the receivers; and so soon as it should become clear that no receiver of stolen goods, more especially no tempter of children, was safe from the operations of the detective police, I think we may conclude that the booty traffic would be for the most part abandoned, as being more dangerous than profitable.

In conclusion, the suggestions I have made for breaking up the existing organization of crime, and preventing its future re-organization, may be concisely re-stated as follows:

1st. That a searching inquiry be made by a duly-authorized commission into the circumstances under which criminality ordinarily has its first beginnings; and those also which stimu-

late and foster its development, having special regard to the lamentable circumstances under which numerous children are now brought into the world and reared, so surrounded by evil that to rescue them from the wretched fate of growing up to be confirmed criminals would require an interposition little less than miraculous. Further, to complete our knowledge of the circumstances of criminal life it should be ascertained as to certain typical mature criminals, how they are housed, whether they marry, or live with women without marriage, how their children are treated, how and where they associate with other men, and whether any and what peculiar division of labour exists among them, whether or not they have received instruction in thieving, what means they have of concealment and escape, how their booty is disposed of, &c.

2ndly. To so carry out by law the principle that 'property has its duties as well as its rights,' that all who have the control of house property shall be effectually deterred from suffering their property to become refuges for those who live by breaking the law.

3rdly. In order to deter persons from employing capital in the booty traffic, so to alter the law upon that subject as to enable the courts to carry it out in its spirit, unhampered by the puerile technicalities which now render its action almost wholly abortive.

N.B.—Were the slight alteration that I have just suggested made in the wording of the law, the detection of an habitual receiver of stolen goods—which is now but rarely possible—would become so easy, that a failure to bring such a one to justice would cast grave discredit upon the police wherever it should occur, and might be made the subject of disciplinary punishment within the force itself.

Lastly. It is so obviously just that if any man, or body of men, wilfully support and assist in the perpetuation of a given evil, they should, so far as it may be practicable, be made to bear the expense necessary to its suppression, that I see no reason why those who shall be found guilty of employing their capital, directly or indirectly, in aiding the operations of the depredators upon society, should not, as part of their punishment, be compelled to contribute largely towards the very heavy expenses of police, prisons, &c.

The Rev. A. S. FISKE (Rochester, U.S.) contributed a paper on the 'Relations of Education to Crime.' He maintained that prevention should be the aim in all philanthropic considerations of crime. In order to obtain useful studies in prevention we must come at the conditions of the development of criminal character and activity. This we can do by looking to *à priori* argument as to the physical and mental conditions of crimes against property and against the person. Here we should have to look at poverty, idleness, ignorance of trades and skilled labour, migration, ignorance of letters, use of intoxicating drinks. And all these resolvable into 'ignorant poverty.'

The facts of crime fully sustain these estimates of probability:—Eighty per cent. of crimes in the United States are committed by the really uneducated; eighty per cent. of crimes in the United States are committed by unskilled day labourers; seventy per cent. of the same crimes are committed by persons of foreign parentage; from eighty to ninety per cent. of the same crimes are directly connected with the use of intoxicating drinks; ninety-five per cent. of juvenile criminals come from ignorant, vicious, or drunken homes. These are all educational facts. These facts prove that ignorance is responsible for nine-tenths of our crime; that efficient secular education would effectively prevent the great mass of crime; and that wise statesmanship requires universal and compulsory education.

CRIMES OF PASSION AND CRIMES OF REFLECTION, WITH REFERENCE TO THEIR PROPER LEGISLA- TIVE AND PENAL TREATMENT.—(ABSTRACT.)

By J. B. BITTINGER, D.D., SEWICKLEY, PENNSYLVANIA, U.S.

SIN is the primal cause of lawlessness, but is not amenable to human legislation until it passes into the overt state. The two factors of crime are passion and reflection. Passion differs in degree and in kind—*malign* and *non-malign*; reflection only in degree. Crime is punishable by society, because of its hurtfulness. The injuriousness of crime to society must determine the nature of our penal legislation; and the possibility of the

diminution of crime, and of the reformation of the criminal, must determine our penal treatment. The enormity of crimes is further measured by their nearness to, or remoteness from, the person of the victim. Murder, rape, mayhem, malicious mischief, arson, robbery, &c. Jealousy of our personality lies at the foundation of all social order, and all political freedom. But another distinction to be made is between crimes of passion themselves—as between crimes of malign passion, as murder; and crimes of non-malign passion, as rape. Crimes springing from malign feelings are always criminal, while those springing from the non-malign passions are criminal only in their excess or exorbitancy. The malign passions are in their nature objective. Hence it follows that they always aim at the *person*—viz., *murder, mayhem, malicious mischief*. The non-malign are subjective. Their aim is self-gratification, and not another's harm. The former are personal, the latter impersonal. Punishment of crimes of passion is aimed against the *quality* of the passion, as malign or non-malign; punishment of crimes of reflection is aimed at the *degree* of reflection, as involving more or less of intelligence and purpose. Personality, as that which tends most to excite reflection, is the measure of the offence—larceny of detached property, pocket-picking, burglary, robbery, rape. The nearer we get to the person the darker the crime, and the severer the penalty should be.

Tabulating the statistics of eleven different penal institutions for a period of nine years, the following results are obtained:—Out of a total of 18,509 offences, 17,932 were against property, and 577 against persons, or as 32 to 1. If we compare in this number the crimes of passion with the crimes of reflection, the numbers are 653 crimes of passion, 17,756 crimes of reflection, or 1 crime of passion to 27 crimes of reflection. If, still further, we compare crimes of malign passion with crimes of non-malign, the figures are 359 malign, against 17,573 non-malign, or about 1 in 50. Crimes of passion are directed mainly against persons, but their number is very small.

From which of these two classes of criminals do our recidivists come?

Taking our figures from New York, Ohio, Pennsylvania, and Liverpool, the results are as follows:—First commitments, seventy per cent. ; second commitments, twelve per cent. ; third

commitments, four per cent. The more accurate tables of the Penitentiary of Western Pennsylvania give the following percentages:—87, 8, and 1·67. This rapidly decreasing percentage shows how precipitately criminals fall off.

What class of criminals return most frequently to our prisons? Taking the statistics of the Penitentiary of Western Pennsylvania for three years, the commitments stand in the following order:—Larceny, 39 per cent.; burglary, 5·5 per cent.; robbery, 5 per cent.; forgery, 2·4 per cent.; rape, 3·7 per cent.; murder, 5 per cent.; arson, 2·6 per cent.; counterfeiting, 2·6 per cent. The *recommitments* were in the following order:—Felonious assault, 27 per cent.; larceny, 21 per cent.; burglary, 20 per cent.; robbery, 15 per cent.; rape, 10 per cent. Recommitments for murder were for murder in the second degree.

The most inveterate crimes of reflection are the following, and in this order:—Horse-stealing, burglary, robbery, forgery. Of crimes of passion, this is the order:—Felonious assault, rape, murder. Quatelet's order is—Theft, rape, assault with violence, murder, manslaughter, poisoning, frauds. The most important distinction to be made here is, first, the order of crimes as to their number; second, the order as to their being repeated by the same person. Statistics show that grave crimes of passion do not tend to repetition, while crimes of reflection tend strongly to repetition. Hence it follows that crimes of passion are few, of reflection many. Criminals of passion are the exception, criminals of reflection the rule.

For crimes of reflection, preventive legislation is the remedy (a) in ameliorating the condition of the poor and degraded by work, education, and moral instruction; (b), in protecting all classes by sumptuary laws against prostitution, gambling, drunkenness. Crimes of reflection demand deterrent legislation; a vigilant and sufficient police, swift and certain punishment, and time sentences.

The penal treatment as to these two classes should be framed on justice as opposed to vindictiveness or brutality. Criminals have rights which justice must respect. The moral character of the gaoler is of prime importance. The gaoler and the judge are *equally* ministers of justice. Whether life or liberty be made the highest standard of punishment, the prisoner's sense

of justice is the only ground of deterring or reforming him. In dealing with professed criminals, severity is the proper side of justice; in crimes of passion, there should always be a leaning towards mercy. The victim of passion is to be pitied; the criminal of reflection is to be punished. The criminal of passion is a hopeful case; cooler moments turn him against himself; the criminal of reflection is a hopeless case, because coolness is the essence of his crime. The one falls into crime, the other chooses it. Criminals of passion have no accomplices, but nearly always witnesses; the criminals of reflection have accomplices, but seldom witnesses. The former are always individuals unorganized; the latter are a community, and organized for crime.

These characteristic differences between the two classes of criminals demand a characteristic difference in our criminal legislation towards them, and in our penal treatment of them.

Dr. P. DESPINE contributed a paper on the 'Anomalous Moral State of Criminals.' The paper contended that to treat criminals rightly we must know them, and examine into the physical condition which leads them to commit crime. The criminal is not sick in body; his intellectual faculties are not decayed like those of an insane man, and yet undoubtedly his moral faculties are diseased. All have remarked in criminals a *perversity*, all human vices being, as it were, strongly accentuated.

These psychical anomalies, the absence of moral faculties, or moral faculties of extreme feebleness, are transmitted often by ancestors. No one can doubt this after noting the examples cited by Dr. Bruce Thompson, of Perth. The cases where the children of insane people become ordinary criminals are too numerous for us not to assign the cause of this fact to hereditary organic influence.

That criminals are without moral sense may be easily demonstrated. They feel no shock or repulsion in the presence of criminal desires, and after their acts they feel no true remorse. A writer in the 'Edinburgh Review' for April 1870, says:—'Our own experience, as well as the testimony of

directors, chaplains, and warders, enables us to affirm that in 1,000 thieves by profession, we do not meet one case of remorse.' It is notorious that in those prisons where *punishment* is the only aim, the prisoners exhibit no feeling of regret for their crime. They have not, in most cases, even prudential sentiments. Fear of punishment does not subdue their violent passions. Hatred, envy, jealousy, imprudence, disregard of their real interests, must characterise the majority of criminals, for they are always wholly absorbed in present desires. A thought of the future seems entirely absent from their minds.

The paper concludes that any system of imprisonment which only aims at mere punishment, is equally dangerous to society and the criminal himself. Such imprisonment produces from forty to forty-five per cent. of recidivists. The welfare of society demands a system whose special object is the moral reformation of the criminal himself.

M. VAUCHER CREMIEUX, representative of the Swiss Confederation, contributed a paper on the 'Architecture, Construction, and Selection of the Site of Prisons.' The classification he adopted was that prescribed by the law—of the arrested, the accused, and those sentenced to long or short imprisonments.

Howard and the skilful director Aubanel, who for thirty years managed the first improved prison erected on the Continent, were convinced that the success they attained was due to the radiating or panoptical system of construction. This arrangement enables the director from his room to exercise central and unperceived surveillance over the workshops, the galleries of cells, and courts. It is the main and indispensable principle on which all prisons should be built.

PREVENTIVE POLICE ORGANIZATION.

BY EDWIN CHADWICK, C.B.

(Commissioner of Police Enquiry, &c.; Corresponding Member of the Institute of France.)

ONE great object of a compulsory system of relief by the state, for the destitute, is to disarm the mendicant of his plea, that unless alms be given him he must perish. Juvenile mendicancy leads to juvenile delinquency, which arises from indiscriminate almsgiving. Our prisons were, at one time, filled chiefly with delinquents' orphans reared in mendicancy, who from begging advanced to stealing. Juvenile vagrancy, wandering at large, form conditions of mendicancy in this country, the great seed-plot of adult habitual criminality. The majority of the great class who rise in the morning, and go at large to steal for the day's subsistence, have mainly entered their careers as juvenile vagrants or mendicants. After having completed a report on the administration of a compulsory system of relief to the poor, with the preparation of which I was charged, with the aid of able coadjutors, and after having obtained some experience in executive administration of those laws, it became evident that for the attainment of the object of the law in respect to the great evil of vagrancy and mendicancy as well as for other purposes, the concurrent action of a police was necessary. But beyond the metropolis there was really no force deserving the name of a police force in existence, nothing that was not subject to popular ridicule and contempt for its inefficiency. It was a duty to represent, as I did, the expediency of instituting an enquiry into the subject. Upon that representation, and by the advice of the then Secretary of State for the Home Department, Lord John Russell, a royal commission of enquiry was directed to Colonel Rowan, the chief commissioner of the newly-formed metropolitan police, to Mr. John Shaw Lefevre, a member of Parliament conversant with rural affairs, who was taken as representing 'the country

gentleman,' and who afterwards became Speaker of the House of Commons, and myself. The special experience of my colleague, Colonel Rowan, and I may add, my own, and from the special attention I had given to the subject, having written upon it as a branch of penal administration previously to the formation of the new police, enabled us to direct enquiry early, and I think I may add very completely, to the first topics with which we were charged on the general state of crime, and on the principles for the organization of a preventive police, and also for its preventive action when organized. I submit the leading results of this enquiry for the information of the Congress.

In the first place, as respects habitual criminals, their gains as a rule greatly exceeded those obtainable by honest industry by the wage classes. The wages of a common day labourer were, in London, about three shillings a day; but the gains of a common pickpocket were on the average double that, and so with other classes of habitual depredators.

In the next place, their careers were of years' duration. In London, at the time of our enquiry, the chances of a common thief's career were about five years' duration, with few interruptions before long removal, by punishment and imprisonment. Recently, the estimates of large classes of habitual delinquents in prison were that they would be one third of their time in prison and two thirds of their lives at large, living by depredation.

The duration of these careers, or the chances of escape, were chiefly owing, first to adroitness in escaping detection; and secondly when detected, to the party robbed allowing escape on recovery of the property, where no violence was committed to excite passion.

Instances of the reform of regular habitual thieves by punishment of any sort, were unknown and disbelieved by the police. But proof was given, that careers of habitual depredation had been discontinued by the occurrence or the interposition of difficulties which reduced the chances of escape and rendered it less productive to the depredator than honest industry. Thus, robbery by mounted and armed horsemen, highwaymen, has ceased, not on account of public executions, and gibbetings, nor by the attainment of anything approaching

to complete certainty of detection ; because such a depredator might now mount his horse, and in the suburban districts stop carriages and rob the passengers, possibly for weeks, if they changed their districts, but not for months, and by the pursuit excited the careers would be so soon cut short as to render such a course ineligible as a career. Evidence was given of former housebreakers, who, since the institution of the police, had returned to honest occupations as they arrived, because, from the hindrances imposed in the way of escape by additional watchings, the chances of immunity had been so far narrowed that the work of depredation no longer paid. If the suburban roads were less well lighted and watched, if the mounted and the foot police were removed, if the chances of impunity were lengthened from months to years, there can be little doubt that the foot and horse robbers would reappear, notwithstanding that the severest punishments of our old penal administration for the termination of the career, the gallows and the gibbet, reappeared too.

To leave the chances widely open, and the careers long, and the profits larger than of regular industry and direct effort, to rely primarily on punishments and imprisonments, on the construction and administration of prisons and reformatories, it is to be submitted is a one-sided course, very much like founding hospitals for the cure of marsh diseases, or directing effort to the cure or the alleviation of marsh diseases, whilst leaving the marshes whence the diseases originate undrained.

It was proved that the whole mass of habitual depredation, by the class in question exists by the defects of legislation, and primarily of organized and properly systematised pursuit by a police force.

But police force depends for its action on public co-operation by information ; and the evidence from the prisons, as to the duration of the outside careers of the prisoners, their answers as to how it was they escaped so long, were generally, that by adroitness they escaped detection in a large proportion of cases ; and that if they were detected, and gave back the property, the parties robbed would, unless passion were excited, in the great proportion of cases, sometimes after giving them a beating, let them go.

The efficient action of a police is dependent on the com-

pleteness of its information. It appeared then, and it is very evident now, that the police are very incompletely informed of the number of depredations committed. This we found was owing in some degree to a low morality and to carelessness, but to a very large extent to a dread of trouble and vexation arising from our penal procedure, and to the absence of systematic public prosecution, and to the charges of prosecution thence upon private parties in addition to the losses and the annoyance sustained by the depredation. It was a common declaration of parties who had prosecuted once that they would sustain any future depredation rather than prosecute again. Hence it follows that for the efficient action of a police and close pursuit, a considerable reform of penal administration, and a careful attention to public support is necessary.

The chief objective points of a police are to render it difficult and laborious to get at property; to render it difficult and laborious to convert it, and reduce the profits of its conversion; and to render it difficult, and narrow the chances of the escape of the depredator, and to augment the labour and reduce the profits of the career below regular honest industry: for when this end is obtained, the predatory career is abandoned. To this end prison administration may be made contributory by requiring the prisoner to work to make restitution, and to pay, and pay well, all the public expenses of his capture, prosecution and detention. Crime for profit subsisted then, and does now, by the defects or by the absence of systematic organization.

It appeared, from a special investigation of the habits of the classes of habitual depredators, that a large proportion of them were migratory, and that they migrated from town to town, and that from the towns where they harboured and where there were distinct houses maintained for their accommodation, they issued forth and committed depredations upon the people of the surrounding rural districts, the metropolis where they harboured being the chief centre from which they migrated. Offenders having committed extensive depredations in one district had recourse to another, the people in which having received no warning took no precautions; and until detected and pursued by some private individual, usually at their own private costs, the depredators proceeded without interruption by any public officers from district to district. To meet these

conditions we proposed the institution of an organized police ; and as crime was centralised in its action, it followed that the police should be so too, and this was necessary on other grounds, for efficiency and economy. Any less local centre than that of a whole county we did not consider would comprehend a sufficiently wide basis for efficiency in economy, either regarded separately or in its general relations with the rest of the kingdom. In our view, after the criminal population, or the criminal habits had been repressed, a less amount of force would suffice for penal purposes. At the same time, experience has shown that the services of a police force in guarding against calamities of fire or flood, in giving succour to individuals in case of accidents, in maintaining order in the public thoroughfares, in executing sanitary laws, and in the exercise of various beneficent functions, are so far required that much the same amount of force would be needed, even if there were entire suppression of predatory populations and habits.

The ignorance of the general public on the subject, and the greed of local dominion, especially on the part of the representatives of boroughs, was too strong, and prevailed against the adoption of our plan, and only a permissive measure was adopted in the first instance. This failed, and subsequently a measure of a compulsory character was adopted, as respects the counties or the rural districts, with a large subvention towards the expenses paid from imperial funds. But still the boroughs are allowed to retain the control of their independent police forces, which frequently fall under the influence of publicans and others who are properly subject to their regulations. Moreover, the proper and efficient action of a police must centre in the urban districts where bad characters shelter, and from whence they issue to commit depredations on the rural districts. All such independent forces are comparatively weak forces, and at the same time more expensive forces. As an example it may be mentioned that the Lord Mayor and Aldermen, and the Corporation of the City of London, which comprehends only one twentieth the area, and about a seventh of the property of the metropolis, are indulged with the appointment and independent control of the police force within their own jurisdiction. The indulgence in this local greed for small dominion and position by the local rate expenders, is at

the expense of inferior protection and greatly augmented expense to the ratepayers.

In this instance, the extra expense would suffice to pay for the teaching and training power required for all the children at large within the district, uneducated, and untrained, the future population of the prisons. This separation and isolation of the county forces from each other, and from the borough forces within each county, is obstructive of information and pursuit, and destructive to the efficiency and the economy of combined action, which is essential to the effectual preventive action of a police force. It is very much as a military force would be, consisting only of companies, of varying and mostly inferior organizations, each acting independently of the other, without concert, or the gradations of command, or cohesion in any considerable parts or in the whole. The cry which was apt to be raised against a systematised force—not by the people, but by the local authorities having the direction of the local forces, many of them owners of liquor shops, and premises with which police *ont affaire*, was, that an independent force would be dangerous to political liberty. It so happens, that, in the metropolis at least, the extreme politicians who have in late times held mass meetings of a character which, within memory, were dispersed, as at Manchester, by military force, and with bloodshed, have very much complained if they had not had that which they considered themselves entitled to—the attendance of a sufficient police force to protect them against hostile demonstrations, to keep their lines of processions, to protect them from thieves and maintain order, whilst they denounced the Parliament and the Government of the country. A well-constituted police is necessary for the maintenance of political liberty against physical violence. It is proved that a parochial force, mostly unpaid, is not a cheap force; and that in results the borough forces are dear forces. In fact, it has been demonstrated that the country might have a compact force of 27,000 men for nothing extra, or for no greater expense, than the existing fragmentary forces. Whilst we are opposed to the military action of police forces on ordinary occasions, that is to say, to mortal action with gun or sword, or to any other action if possible against personal violence than the baton, yet, with the training necessary for

collective action, and with the gradations of commands for its direction, it may and ought to be applied, as a superior military force, of which it may be made the means of a very large independent economy.

In respect to its action against the criminal class, it is to be observed, that in individual cases which excite public alarm and pursuit, how rare are the instances of escape, even under existing conditions. By a well-organized and well-directed police force, kept well-informed, the like energy of pursuit may be directed against each of numbers of individuals or sections of the habitual criminal class, and cut short their careers effectually. Science, in the electric telegraph, gives a means of doubling the efficiency of the action of a police force for these purposes. The habitual criminal class exist only by default of legislative attention, and it may be added of representative intelligence and integrity.

Crimes of unrestrained and ill-regulated passion, domestic crimes, frauds within the house, are of other categories, against which the agency of the school-teacher and trainer, and the religious teacher, should be in great part responsible. Of the efficiency of these agencies, properly organized and directed, we have great examples to present. Under the old system of parochial administration of relief to orphan destitute children, and under a new one in which by a grievous administrative error children were reared in small numbers and with inferior teaching and training-power amidst depraved adult paupers, and were sent out with inferior physical training and aptitudes for honest labour, not above one out of three was got into productive industry. Full 60 per cent. went to the bad on the streets as mendicants or thieves—the girls as prostitutes—and furnished one of the largest contingents to the population of the prisons. But now, in separate institutions, with a higher order of teaching and training power, including military drill and industrial occupations, such aptitudes for service are imparted that a demand for them is created, and the known moral failures of the same classes do not exceed 3 per cent. In one view the service of a police is to clear the streets of the children of the mendicant class, and to convey them into such well-appointed institutions as these, where the vicious succession of depravity is broken, and the conversion into honest, self-sup-

porting courses is effectually and permanently completed. These institutions may be commended to the study of all foreigners who are interested in the subject of penal administration.

Our first report was directed to the elaboration of the principles of the organization of a *preventive* police force, and has served very much as a text-book for some of the imperfect organizations which exist. We had in preparation the material for a second report on the *preventive action* of a police when organized. In this we had proposed to define, as nearly as might be, what may be done by a police, and what must be done by the people themselves or by other agencies, as by the schoolmaster and trainer, and by the religious teacher. But we were delayed in this report by the fact that we failed at that time in obtaining the primary organization of force we deemed necessary. Since then some advances have been made in local organizations. As a matter of administrative science the exposition might be serviceable, but hitherto due support has not been obtained for it, though as a question of economy it involves the eventual reduction of a considerable proportion of two millions of annual expenditure on a very ineffective penal repression, besides the burdens of preventible depredations by hordes of habitual depredators, and the tax of alms to habitual mendicants and vagrants. It is just to add that our labour, which was considerable, was entirely voluntary, unpaid, and unrequited in any way.

A DESCRIPTION OF THE CELLULAR PRISON AT BRUCHSAL (BADEN).

BY HERR G. EKERT, GOVERNOR OF THE PRISON, AND REPRESENTATIVE OF SAXONY
AND OF THE GERMAN EMPIRE AT THE CONGRESS.

THE Cellular Prison of the Grand Duchy of Baden was built in the years 1841–1848 by the late Mr. Breisacher, at that time architect, afterwards inspector of the buildings of the district, according to a plan of the late Mr. Huesch, chief-director of buildings. It was opened on October 10, 1848. It is situated at the north-east of the town of Bruchsal, by the side of the highway to Heidelberg, in a pleasant part of the country, enjoying a mild and healthy situation. The back stands against a row of hills, whilst in the front the plain of the Rhine, with its rich fields and wealthy villages, is to be seen.

Immediately by the roadside there are two larger and two smaller buildings, containing official abodes for the superior and lower officers of the penitentiary.

The main building, a stately edifice, but in keeping with the design, is situate about seventy paces towards the hills, on an elevated site; the whole being surrounded by a wall. This wall, of considerable thickness and height, a regular octagon, is flanked by turrets at the angles, which serve above as sentry-boxes for the military posts, and below as dark cells. The soldiers who are to guard the penitentiary walk about on the wall. This wall encircling the whole, is 400 feet long on the longest side, and about 100 feet on the shorter one, enclosing a plot of ground of more than seven acres.

The prisoners of the Cellular Prison are of two classes, those sentenced to a criminal and more disgraceful punishment—and second, those sentenced to civil punishment. Only male convicts undergo punishment in this penitentiary.

The treatment of both sorts of prisoners is the same, the only difference consisting in the prison garments; the prisoners of the first class wearing gray linen clothes, and those of the second blue. The prisoners of the second class also receive

more food (soup and vegetables), and alleviations can be granted to them more easily. They are not to be punished by chains.

Every new prisoner is conducted to a 'receiving cell,' where he undergoes a medical examination, is dressed in a suit of prison garments, and his hair and beard having been cut, he is taken to a cell, where he is acquainted with the rules of the house. At the next meeting of the officers in conference, he is desired by them to conform to the rules, and assigned to an occupation.

The prisoners are not allowed to leave their cells, except on going to church, to school, or to the yard. They are day and night closely watched, as well out of their cells as in them, when at work or at meals; they are constantly to be kept separate, and must not try to communicate or to get acquainted with their fellow-prisoners, either by words, signs, or gestures, upon pain of punishment. In order to keep up a thorough system of separation, the prisoners wear, when out of cell, a cap with openings for the eyes. Besides, the prisoners are to walk fifteen steps one from another.

Constant separation ceases, when the prisoner is seventy years of age, or when he has served six years in separation, and does not himself particularly wish to remain so any longer; or if he cannot be kept in seclusion on account of bodily or mental sufferings; or if he be put together with other prisoners in an infirmary on account of peculiar circumstances. In these cases he is moved to the 'Auxiliary Establishment,' which is arranged specially for this purpose.

On week-days the prisoners rise at half-past four, on Sundays at half-past five. Every prisoner has to wash, and to make his bed, which is reared against the wall. In winter the gas is lighted; on week-days work begins at five. From half-past six to seven, the prisoners clean their cells and have their breakfast. From twelve to one is their dinner hour. At half-past seven in the evening supper is given out; at eight the lights are extinguished and the prisoners go to bed. But these are not the only interruptions of the work and seclusion of the prisoner, who is not intended to be insulated, but who is for his own benefit prevented from associating with other prisoners. Every prisoner is to be visited at least six times a day. In the

morning he is supplied with fresh water, and the materials for work. Some time afterwards, before breakfast, his portion of bread is handed to him. The prisoner has to take exercise in the yard. He goes to church and to school. During the day, work-masters and warders come to the prisoner, to show him his work, to bring the necessary things, or to take away the waste materials. Besides, the prisoners are regularly visited in their cells by the director, the administrator, the physician, the chaplains, the book-keeper, the teachers, the chief-warders, the surgeon, and from time to time by members of the Ministry of Justice ; or of some of the Board of Inspectors, or by other civil officers, or by such persons as have special permission to do so, but not against the prisoner's will. When visited by the officers, the prisoner has the opportunity to confer with them, to put questions or make requests, or complaints. On account of these visits, the eleven hours of work put down in the rules are reduced to ten, during which the prisoner has to apply himself constantly and industriously to his work.

The employments of the convicts in the Cellular Prison are various. Some are employed at joiner's work, others at chair-making, turning, varnishing, shoe-making, weaving of cotton and linen, with the occupations belonging thereto, as spooling, reeling, warping, putting on the beam, twining, etc. ; others at knitting, coopering, locksmith's work, tinker's work, platting of straw and willows, tailor's work, list-platting, saddler's work, book-binding. Others have different occupations in the house, the kitchen, the corridors and the grounds. Sometimes a prisoner is occupied in his cell at writing.

Every prisoner is assigned to one of these occupations, according to his bodily constitution, his mental capacity, length of punishment, his former professional acquirements, with regard, to some extent, to his wishes, but especially regarding the possibility of supporting himself at his discharge. In case the convict does not know any occupation, he is taught one.

Every prisoner receives each day one pound and a half of good house bread ; in the morning and evening, soup ; for dinner, soup and vegetables ; every other day, one-eighth pound of beef without bones, the broth of which is used for the soup for dinner. The quantity is according to the sort of punishment and the occupation.

The warders bring the food from the kitchen in large tin vessels, serve it into the prisoners' dishes, and hand it in to them through the wicket in the door. The prisoner can have water, besides his portion in the morning, as often as necessary during daytime. The food is prepared in the house itself. It is wholesome and nutritious. There are special regulations as to its quantity and quality. Twice a day, in the morning and in the afternoon, the prisoner is to take exercise for half an hour at once, in the yards before mentioned.

Each prisoner has two suits of clothes, consisting of a jacket, trousers, and waistcoat; one suit for every-day wear, the other for Sundays and feast days; both suits made of strong linen cloth. Moreover, he is provided with a shirt, with cotton stockings, in winter worsted ones, a pair of leather shoes, a neck-cloth, the cap above-mentioned, and for winter, woollen under-garments. The body linen and the towel are changed every week, the bed-clothes when necessary.

It is the prisoner's duty to keep the strictest order and cleanliness.

Each prisoner has a foot-bath every month, and every third month a bath; every prisoner on being received is taken to a bath-cell and cleaned; once a week the prisoner is shaved, and every third month his hair is cut.

Whenever a prisoner is taken ill, he has special food and nursing; in case he should be laid up for a length of time, or if he should be dangerously ill, or if other circumstances should require it, he may be removed from his cell to a room in the infirmary, or to the 'Auxiliary Establishment,' where he is in association with other prisoners.

Those prisoners who are not sufficiently instructed, and who are not older than thirty-five years, or such as possess, even in more advanced age, the power of cultivation, are instructed by the teachers, as well in the school (which has six classes), as on visiting the cells. Every class has three lessons each week, and one singing-lesson for practising hymns.

All due care is taken for the spiritual improvement of the prisoners. The chaplains visit the prisoners in their cells. On all Sundays and saints' days there is divine service twice a day. On Wednesday there is one service, and two lessons of religious instruction. The church service takes place quite in

the same way as out of prison, the prisoners singing hymns, accompanied by the organ. At proper times, opportunity is given the prisoners of receiving the Lord's Supper, but there is no constraint about it.

All Sundays and saints' days are free from work, and these days and other leisure hours are to be filled up by the prisoner in religious and moral contemplation, in preparing his lessons for school, in reading books of religious, instructive, or entertaining character, which are distributed to the prisoners every week or fortnight; in drawing or in other useful occupations.

The Jews keep likewise their Sabbath and their highest feast days, whilst they do quiet work on Sundays and Christian saint days.

Violations of the rules of the institution are punished accordingly by the director. The punishments consist in rebuke, in stopping allowances, deprivation of bed, or of part of the meals, low diet (three soups a day), dark cell, chains, and the strapping-chair.

The encouragements and rewards which the prisoner enjoys, besides those already named, are: For each day's work, from one to four krs., which are entered monthly to his credit. The money gained thereby he can, with the permission of the director, employ for the support of his relatives, or for the indemnification of those injured by his crime; or for himself in buying useful books, tools and implements—as well as for some lawful enjoyments, such as bread, milk, butter, potatoes, fruit, and other fresh vegetables; snuff. The rest is laid by for the time of his discharge. This spare money of the prisoners cannot be forfeited.

Prisoners whose state of health seems to require it are generally occupied out of cell. If more than these are required, those prisoners are selected whose characters and conduct is trustworthy. Some prisoners are required to assist the warders in various occupations, to clean the buildings, to help in the kitchen, to assist in heating, to help in the garden.

For special attention and successful application in school, the prisoners receive rewards at the examination, which takes place once a year. They consist in books, copies for drawing, implements for their future profession, etc.

The prisoners are allowed to see relations and honest friends,

generally once a month, in a room assigned for this purpose, in the presence of an overseer. They are allowed to receive as well as to write letters one or two a month, the contents being controlled by the director and the chaplain. Upon his discharge, every prisoner is provided with sufficient clothing, as well as money for paying his travelling expenses. The money due to him is sent to the minister of his native place, to be handed over to him.

The chaplain writes to this minister in order that the discharged prisoner may be assisted and watched over. Sometimes a society for discharged prisoners takes care of him.

For the Cellular Prison the following officers are appointed: The administration consists of the director, the administrator, the book-keeper, and three clerks. There is a Protestant as well as a Roman Catholic chaplain; the physician of the institution, an assistant physician, two teachers (the Rabbi of the district looks to the Jews), two chief overseers, and thirty-seven warders. Among the latter, there are some for work, others for police, for the kitchen, gate-keepers, and for superintending the buildings, etc. A Board of Inspectors is appointed, consisting of a judicial officer as president, who is at the same time inspector of the penitentiary; the director, the administrator, the physician, both the chaplains, and three civil members, nominated by the Ministry of Justice. The book-keeper is secretary of the Board. Meetings are held monthly.

The director has to look to the general management of the institution, and to care especially that punishment is executed according to the penal law, with all possible regard to the moral improvement of the prisoners, educating them for a reformed life upon their return to liberty. It is therefore necessary that he should confer with the other officers, regarding the character and capacities of the prisoners; he has to correspond with their native magistrate, as well as with the Court of Inquiry; he is to read the acts of inquiry, as well as to give them, if required, to the other officers, especially to the chaplains. The director exercises the police of the institution, regarding the functionaries and prisoners. The administrator superintends the industrial and domestic department, as well as the concern of receipt and expenditure. The chaplains superintend the

schools. The teachers instruct the prisoners as well in school as in the cells; they direct the singing in church, and distribute the books to the prisoners.

The superior officers meet every day in conference at the director's, in order to converse about their observations, and to take counsel together.

SKETCH OF THE FUNDAMENTAL PRINCIPLES OF PRISON REFORM IN RUSSIA.

BY COUNT SOLOHUB.

The appended table which has just been drawn up, sufficiently explains the urgency of the reform of the Penal Code and of legislation on the Prisons in Russia.

The Commission over which I have the honour to preside has just finished on this subject a preparatory work which is about to be revised, but which embracing the whole of a system provided, cannot be without interest for the eminent professional gentlemen now assembled in London.

Having regard to this happy coincidence I have given myself the pleasure of submitting to the judgment of my honourable colleagues this work which has been principally based on the necessities of my native country.

I.

Classification of the places of imprisonment in the empire.

1. All the places of imprisonment are divided into
 - a. Preventive.
 - b. Executive.
2. The places of preventive imprisonment are used for the detention of
 - a. Individuals subject to legal proceedings and to sentence.
 - b. Individuals condemned till they undergo the sentence pronounced against them.
 - c. Individuals arrested for police supervision.

3. The places of executive imprisonment are used for the incarceration of individuals condemned by judicial sentence.

4. The places of preventive imprisonment are subdivided into

a. Police Stations.

b. Halls or Courts of Justice.

5. The places of executive imprisonment are subdivided according to the duration of the sentence into

a. Places for short terms.

b. Places for moderate terms.

c. Places for long terms.

6. The places of executive imprisonment for short terms are

1. Houses of Detention.

2. Reformatory Houses.

7. The places of executive imprisonment for terms of moderate durations are

Houses of Correction.

8. The places of executive imprisonment for long terms are

Convict Establishments.

They constitute the highest degree of criminal punishment.

9. All prisons are divided according to their localities into

a. Provincial.

b. Central.

10. The provincial prisons are

a. Police Stations.

b. Courts of Justice.

c. Gaols (*les arrêts*).

d. Reformatory Houses.

11. The central prisons are

a. Houses of Correction.

b. Convict Establishments.

12. As regards produce or revenue the provincial prisons are considered as unproductive.

13. As regards revenue the central prisons are deemed productive.

14. Independently of the prisons above mentioned there will be established in the empire Houses of Refuge and Penitentiary Establishments for young prisoners.

II.

Organization of the places of imprisonment.

15. Reform and organization of prisons in the empire take place gradually; but all the forms and gradations are established simultaneously in many provinces.

16. The imprisonments made by the police take place in the districts near the communal administration, in the cities near the police stations and their sections.

Observation.—The places of imprisonment serve also for persons arrested by the Government.

17. Judicial preventive prisons are established in the cities of the provinces and of the districts, and in other localities if it is necessary.

18. Judicial preventive prisons, so far as possible, are established in connection with edifices set apart for other judicial acts.

19. Preventive and executive prisons cannot be established in the same edifice.

20. Places where persons may undergo sentence or arrest (for infraction of law) are found in all the towns and in other localities if it is necessary.

21. The Reformatory Houses are established in all the towns of the provinces, and in the towns of the districts when they are necessary.

22. Houses of Correction are established only in the places which give a guarantee for the order of manufactured articles.

23. Convict Establishments are fixed in the neighbourhood of coal beds, stone quarries, salt mines, and other localities fit for the suffering of long terms of compulsory and productive labour. The punishment of hard compulsory labour is not enforced exclusively in countries without European Russia (Siberia).

24. In the central prisons the establishment of hospitals is compulsory. In other places of imprisonment, hospital treatment is provided for as far as possible.

25. Baths and, if it is possible, hospitals, for the prisoners, are established within the boundary wall of the prisons, but separate from the main buildings.

26. Prisons attached to Judicial Courts and Reformatory Houses require two courts; one for the officers, the other for the prisoners.

27. A third court for the workshops will be provided in the central prisons.

28. Stores of wood, sheds for tools and instruments of husbandry, cellars, stables, are placed without the boundary-wall of the prison in the court devoted to household management.

29. Prisons attached to Judicial Courts and Reformatory Houses will have placed near them small gardens in which the prisoners can walk.

30. Near the central prisons there will be spaces of ground devoted to cultivation. For Houses of Correction not less than two deyatines for each 100 prisoners; for Convict Establishments, not less than ten deyatines for every 100 prisoners. The deyatine is about 3500 toits square. In Russia there is no want of space.

31. All the persons employed in prisons attached to Judicial Courts, Reformatory Houses, and central prisons, with the exception of the governor of the prison and of the chief gaoler, are lodged in the court devoted to household management.

32. There will be a space of ground not less than ten sajenes for a circular road around the central prisons. This principle is not obligatory for the other prisons.

III.

Discipline of the Prisons.

A. GENERAL PRINCIPLES.

33. The discipline of all the prisons shall have for its base the three following principles:

Justice.

Guardianship.

Nationality.

34. The system of discipline in all the prisons shall aim at

1. For the prisoners under preventive discipline.

a. The complete separation of the prisoners from one another, in order to prevent all connivance.

b. The prevention of the mixture of morals.

c. The enjoyment of all rights which do not interfere with the course of justice.

2. For the condemned.

a. The just retaliation on guilt judicially recognised.

b. The exercise of a guardianship, which has regard to the destiny of the condemned after liberation.

Hence arise the essential demands, and the distinct aims of the system.

a. For those arrested, admonition.

b. For those in reformatory houses, intimidation.

c. For those in Houses of Correction, punishment combined with education, with reasonable labour, and with preparation of the prisoners for their return into society.

d. For those in convict establishments, chastisement with compulsory labour, and a regard to the ultimate formation of the condemned into a colony.

35. Churches will be compulsorily established in all the central prisons. In the prisons falling under the other categories chapels only will be required. Images will be placed in all the rooms appropriated to the prisoners.

36. There will be some special rules for each category of prisoners. These rules will form a general code.

Observation.—There will be given, by a competent authority, an individual instruction to every prison governor.

37. Every prisoner will be placed in the category of prisons, named by the sentence of the tribunal.

38. The provincial prisons are permitted to lodge in the same edifice the two sexes under the same administration, but the wings of the building apportioned to each sex ought to be strictly separated.

39. The central prisons must be distinct for each sex.

40. The system of keeping the prisoners by rooms (and of beds on planks) is abolished. For the Courts of Justice and the Reformatory Houses there will be the system of complete separation between the prisoners. For the central prisons the system of separation at night in the dormitories.

41. In preventive prisons, and during the period of arrest, labour is not compulsory. It is so for all the other kinds of prisons.

42. The disciplinary distribution or division of the day is made in all the executive prisons by the ringing of a bell.

43. There shall be in all the executive prisons modes of encouragement, which shall involve privileges and rewards in favour of the prisoners.

44. There shall be in all Houses of Detention a system of disciplinary punishment. Corporal punishment shall be admitted only in convict establishments. For all other prisons there shall be permitted only incarceration more or less rigorous.

45. The duration of imprisonment is fixed :

a. For those arrested, 3 months.

b. For Reformatory Houses, 1 year, 7 months.

c. For Houses of Correction, 1 year to 4 years.

d. For Convict Establishments, 6 years to perpetuity.

46. In the cellular Reformatory Houses the duration of imprisonment shall be reduced by one-third.¹

47. The mode of transference of the prisoners shall be provided by a special regulation.

B. SPECIAL REGULATIONS.

1. *For those arrested by the Police.*

48. The Detention Houses in the communes and police districts have for their end only to secure that persons should be brought before the examining magistrates.

49. Every individual having been the cause of a judicial prosecution, shall in all cases be isolated where this is possible.

50. The preventive arrests of the police shall be conformed to the existing laws.

2. *For those detained in Prisons attached to Courts of Justice.*

51. Everywhere, when possible, the conveyance to Courts of Justice shall take place in cellular carriages.

In cases where the prisoners are taken on foot (have to walk) they shall have the right to wear a hood on their head.

52. Individuals imprisoned in the houses attached to Courts

¹ Some members of the commission have voted with the president for a reduction of two-thirds.

shall be placed at first in the admission cells, whence they shall be taken by rotation, to go through the formalities at the Chancellor's office, for medical inspection, and the examinations prescribed.

53. The prisoners have the right to keep their clothing unless it is worn out, or very dirty. In this case they will be furnished with the dress of the establishment. These clothes will differ in cut and colour from those worn by the condemned.

54. A photograph of the prisoners will be taken if it is considered necessary.

55. Every article found on the prisoner (with the exception of his coat, his trousers, and his linen), together with his baptismal cross and marriage ring, will be taken from him and kept in a place appropriated to this purpose. A receipt will be given to the prisoner of the money and effects placed in this repository.

56. The cell of the prisoner should in dimension be not less than fifteen archines square, and should contain not less than three cubic sajenes of air. Particular care shall be given to the purity and ventilation of the cell.

57. The prisoners are permitted to have their beds, their furniture, books, and writing materials.

58. The prisoners who show a desire to work shall be encouraged in it. Three quarters of their wages, the expense of the material being deducted, form the property of the prisoner. The other fourth part shall be deemed as the revenue of the establishment, for the purchase of instruments, materials, &c.

59. The prisoners shall be fed according to the regulations of the prison, and shall receive half a pound of meat per day; but they have the right to better diet, if they can pay for it.

60. The prisoners have the right of smoking, but this privilege is withdrawn from those who use fire carelessly.

61. The prisoners shall have the right to take exercise, but their head must be covered with a hood, and they must walk five paces from one another.

62. The interviews with relatives and visitors will only be tolerated with the sanction of the solicitor, who will arrange the conditions of these interviews.

63. The chaplain of the prison is bound to visit each prisoner

at least twice a week, and more frequently, if it is thought necessary.

64. The counsellor of the prisoner shall be admitted to him at all times.

65. Individuals condemned by the tribunal shall await the issue of their appeal, in reversal of judgment, in the cells where they were already confined, but they shall be deprived of all the privileges which they previously enjoyed.

3. *For the Gaols (les arrêts).*

66. The punishment of the gaols shall be undergone, in accordance with the Imperial Decree of July 4, 1866.

4. *For the Reformatory Houses.*

67. Sections 51, 52, and 62 respecting prisons for those undergoing judicial sentence shall be applied to the reformatory houses.

68. The prisoners shall serve out their prescribed term.

69. The prisoners shall neither be allowed to smoke nor to make use of their money.

70. The prisoners will be compelled to work eight hours per day in their cells, at task work. Two-thirds of their wages will form the revenue of the establishment; one-third will be placed to the credit of the prisoner, but he will only be able to make use of it after his liberation.

71. All the prisoners will have the same food.

72. The dimension of the cells shall not be less than fifteen arch. square.

73. The interviews with persons without the prison shall not exceed one per month; the visits of the chaplain, the doctor, the officials, members of philanthropic societies, are not subject to this regulation.

74. The prisoners shall be allowed to work over and above their task and beyond the hours prescribed. The amount of this additional work shall be placed to their credit.

75. Prisoners who shall have served their terms shall be immediately liberated.

5. *For Houses of Correction.*

76. The time of confinement is from one year (the minimum) to four years (the maximum), without intermission.

77. The prisoner confined in a House of Correction shall be previously submitted to imprisonment in a cell, the duration of which shall be fixed by the tribunal: if this duration is not mentioned in the sentence, the prisoner shall be isolated only during the legal term. In both cases the administration has the right to reduce the period of complete isolation to the minimum determined by the law.¹

78. The strict system for Houses of Correction shall be, work in common during the day, and separation at night.

79. Every person confined in a House of Correction ought to be compelled to work for nothing during ten hours per day. This work has regard to the household management, the lavatories, and the farm: the produce of this labour is applied to the support of the house.

80. The duration of this work may be diminished to four hours a day, if the prisoner expresses a desire to occupy himself during the other six hours in mechanical work which requires a special knowledge. This work is called 'grey' work. The third of the money produced is reserved for the workman, the two remaining thirds are applied to the profit of the prison.

81. Those who do not desire to work ten hours per day at 'black' work, and are occupied in accordance with the rules of 'grey' work, are allowed to learn any trade whatever, which necessitates an effort of will and sustained study. This work is called 'white' work. Those who are learning a trade are not paid, and besides the eight hours devoted to study have also two hours of compulsory work.

82. Any of the prisoners who are indicated by the name 'Master' will receive two-thirds of the whole sum of money gained; one-third is applied to the profit of the prison.

83. He who already knows a trade on his arrival at the House of Correction, receives the half of the sum realised by his work. The other half is devoted to the profit of the prison.

84. The masters and the learners of each trade separately form the sections.

85. The persons who are engaged in supplying the continual orders to the sections are denominated the 'enrateurs' of sections.

¹ This paragraph has been sharply debated. However, the opinion that the previous isolation is not necessary did not obtain a majority of votes.

Observation.—The director or committee of the house can have work executed in exceptional cases conformably to the regulations above mentioned.

86. The rights and duties of the guardians of the sections are regulated by law.

87. The 'enrateurs' of the sections settle weekly their accounts with the manager of the house in ready money, and the part which returns to the masters for their work is enclosed in the pocket-book or portfolio of each section separately. These portfolios are kept in a special case, which is itself shut up in the strong box of the Government.

88. The key of the case which contains the money of the masters is kept by the cashier chosen by the sections. The cashier is compelled to assist in the accounts between the 'enrateurs' of sections and the masters.

89. No master has the right to keep the money to himself, nor to exact under any pretext what is given to him under the name of profit. He receives only a small book in which is kept the account of the product of his work for each week.

90. As an exceptional encouragement to work and to good conduct on the part of the prisoners, quarter discount is allowed to the sections to purchase, by the mediation or agency of an inspector, tea or some other authorised article.

91. Each section chooses its officer, who is responsible for the order of the section.

92. The section is responsible for the flight of the master, and in this case it loses its profit.

93. The master, the inspector of the prison, and the 'enrateur,' are responsible for the order of each section during work.

94. The change of place of the prisoners takes place by couples, in military order, in accordance with the order and hours mentioned.

95. A school shall be established in each House of Correction.

96. The time passed at school is reckoned as 'black' work.

97. Sundays and holidays after mass the chaplain and the professors attached to the house shall talk with the prisoners: their conversation should be on religious subjects, sacred biography, geography, and technical subjects.

98. During the night the prisoners are confined in separate

cells, whence no one can depart without the governor of the prison. Silence is compulsory during the night. The inspector has the duty of surveillance. The dormitories are lighted.

99. Interviews with relatives and foreigners are permitted at the times indicated by the regulations.

100. When the duration of the imprisonment ends, they give from the cash-box to those liberated the money gained by them, and afterwards no interview is permitted them under any pretext with their former companions.

6. *For the Convict Establishments.*

101. The Convict Establishments are established for the imprisonment of all persons condemned for crime.

102. The convict who shall have merited by his diligence and his conduct an alleviation of his fate, can obtain it on the order of the managing authority in the prison, but not before having undergone two-thirds of his punishment.

103. The prisoners who have not deserved an alleviation shall undergo in the prison the entire punishment to which they have been condemned.

104. Those prisoners who undergo their entire punishment are called 'convicts,' those who have deserved an alleviation of their punishment are named the 'reclaimed' or 'reformed.'

105. For the transfer from the class of 'convicts' to that of the 'reclaimed,' the prisoner must, in addition to his good conduct, have gained a sum fixed by the regulation.

106. In case of culpable conduct and of negligence at work, the prisoner reclaimed is placed again in the class of convicts.

107. The prisoner on his admission to the convict prison is isolated during fifteen days per month, according to the decision of the committee of management.

108. The families of the prisoners are not admitted into the convict prisons.

109. The convict prisons are adapted for hard labour.

110. The work is subdivided into 'hard or compulsory labour' and prison work.

111. The hard labour is done by the convicts in chains; these chains are made according to a decreed model: the prison work is done without chains.

Observation.—The chains can be removed even during the

execution of the work by permission of the governor as a proof of his confidence. The chains are re-imposed on those who show themselves unworthy of the favour.

112. Convict prisons should be established in those localities which offer guarantees for convict labour, constantly necessary and independent of accidents. Such labour forms the punishment of the convicts.

113. Convict prisons should be established exclusively in places provided with ready means of communication, or offering the means of sale of the commodities on the spot.

114. The works for which convict labour is adapted constitute the property of the Government, or of a company, or of a private person, provided these last-mentioned can give the requisite guarantees.

115. The managing authority of the prison does not interfere with the commercial accounts of the works.

116. The convicts form the only motive force of the works.

Observation.—The payment of the workmen takes place at times fixed by the contract, and in ready money.

117. The places where the convict works are established ought not to be more than five leagues from the prison.

118. No convict can remain during the night outside the boundary of the prison.

119. The duration of convict labour is fixed at twelve hours per day in summer, and ten in winter.

120. The managing authority in the prison reserves in rotation a certain number of those imprisoned for field labour, trades, and interior work, conformably to a special regulation.

121. The produce of convict labour may be of two kinds :

1. From the time fixed.

2. Voluntary.

122. The produce from the labour done in the time fixed is the revenue of the prison.

123. The produce of the voluntary labour is personal income, and is reserved to set them up in business.

124. The prisoners cannot engage in voluntary labour till they have finished their daily task of hard or prison labour.

125. The managing authority of the prison in conjunction with the managers of the works allot the appointed tasks of convict labour.

126. The tasks allotted are done by order of the managing authority of the prison.

127. The governor or managing authority of the prison sees that the prisoners do the precise quantity of work allotted.

128. The prisoner can engage in voluntary labour under the direction of the manager of the works, or as tradesman at his own will.

129. Those imprisoned for a short term have a higher scale of wages than those condemned to a long term.

130. During the duration of convict labour the prisoners are superintended by the officers of the prison and by the 'enrateurs' elected by the prisoners themselves. The work is done under the direction of persons appointed by the managers of the works.

131. According to the nature of the work, the convicts can divide into sections under a general safeguard against disorder.

132. The regulations for sections in the Houses of Correction can be adapted to convict prisons.

133. We discount a quarter of the personal profits of the convicts for the assistance of their families.

134. Between the imprisonment in a convict prison and the definite establishment in business of the liberated convict in a country named by the Government, the convicts pass into an establishment instituted temporarily under the name of a Penitentiary Colony.

135. The penitentiary colonies are established in countries selected and designed to be definitely peopled by liberated convicts.

136. The criminals who have passed to the class of the 'reclaimed' raise themselves to the penitentiary colony of the Government, if they have gained the sum necessary for colonisation. Those who have not gained the requisite sum remain in prison till they have; without, however, exceeding the time they have to serve in accordance with their sentence.

137. The convicts sent into the penitentiary colonies of the Government remain there till the time named by the sentence of the judge. The time of condemnation can, however, be reduced by a year by the governor of the colony. The criminals who have undergone their entire sentence in the convict prison must still pass one year in the colony of the Government.

138. The labour in the penitentiary colonies is compulsory. This labour is done in accordance with the order and under the direction determined by the governor of the colony.

139. The person liberated from the penitentiary colony can select at his pleasure his definite dwelling-place, but not, however, beyond the frontier of the same country.

140. The prisoners sent to the colonies can be followed by their families.

141. The laws or regulations for the colonies will be stated in a special decree.

142. The financial operations respecting prisons and prison reform have for their end to preserve the interests of the nation without overcharging the treasury.

PROPOSITIONS SUBMITTED TO THE CONGRESS BY THE AMERICAN DELEGATION.

1. The treatment of criminals by society is for the protection of society. But since such treatment is directed rather to the criminal than to the crime, its great object should be his moral-regeneration. Hence it should be made a primary aim of prison discipline to reform the criminal, and not simply to inflict upon him a certain amount of vindictive suffering. The best guaranty of the public security against a repetition of his crime is the re-establishment of moral harmony in the soul of the criminal himself—his new birth to a respect for the laws.

2. In the moral regeneration of the criminal, hope is a more powerful agent than fear; it should, therefore, be made an ever-present force in the minds of prisoners by a well-devised and skilfully applied system of rewards for good conduct, industry, and attention to learning. Such rewards may be a diminution of sentence, a participation in earnings, a gradual withdrawal of restraint, and a constant enlargement of privilege, as these shall be severally earned by meritorious conduct. Rewards, more than punishments, are essential to every good penitentiary system.

3. The progressive classification of prisoners, based on merit and not on any mere arbitrary principle—as crime, age, &c.—should be established in all prisons designed for the treatment

of convicted criminals. In this way, the prisoner's destiny during his incarceration should be placed, measurably, in his own hands; he must be put into circumstances where he will be able, through his own exertions, to continually better his condition. A regulated self-interest must be brought into play. In the prison, as in free society, there must be the stimulus of some personal advantage accruing from the prisoner's efforts. Giving prisoners an interest in their industry and good conduct tends to give them beneficial thoughts and habits, and what no severity of punishment will enforce a moderate personal interest will readily obtain.

4. In criminal treatment, moral forces should be relied on with as little admixture of physical force as may be; organized persuasion to the utmost extent possible should be made to take the place of coercive restraint, the object being to make upright and industrious *freemen*, rather than orderly and obedient *prisoners*. Brute force may make good prisoners, moral training alone will make good citizens. To the latter of these ends the living soul must be won; to the former, only the inert and obedient body. To compass the reformation of criminals, the military type in prison management must be abandoned, and a discipline by moral forces substituted in its place. The objects of military discipline and prison discipline, being directly opposed to each other, cannot be pursued by the same road. The one is meant to train men to act together, the other to prepare them to act separately. The one relies upon force, which never yet created virtue; the other on motives, which are the sole agency for attaining moral ends. The special object of the one is to suppress individual character and reduce all to component parts of a compact machine; that of the other is to develop and strengthen individual character, and, by instilling right principles, to encourage and enable it to act on these independently.

5. Nevertheless, unsuitable indulgence is as pernicious as unsuitable severity, the true principle being to place the prisoner in a position of stern adversity, from which he must work his way out by his own exertions—that is, by diligent labour and a constant course of voluntary self-command and self-denial. As a rule, reformation can be attained only through a stern and severe training. It is in a benevolent adversity, whether

in the freedom of ordinary life or the servitude of the prison, that all the manly virtues are born and nurtured. It is easy enough for a bad man to put up with a little more degradation, a little more contumely, a few more blows or harsh restrictions; but to set his shoulder to the wheel, to command his temper, his appetites, his self-indulgent propensities, to struggle steadily out of his position—and all voluntarily, all from an inward impulse, stimulated by a moral necessity—this is a harder task, a far heavier imposition. Yet it is just this training that a right prison discipline must exact.

6. It is essential to a reformatory prison treatment that the self-respect of the prisoner should be cultivated to the utmost, and that every effort be made to give back to him his manhood. Hence all disciplinary punishments that inflict unnecessary pain or humiliation should be abolished as of evil influence; and instead, the penalty of prison offences should be the forfeiture of some privilege, or of a part of the progress already made towards liberation, with or without diminished food, or a period of stricter confinement. There is no greater mistake in the whole compass of penal discipline, than its studied imposition of degradation as a part of punishment. Such imposition destroys every better impulse and aspiration. It crushes the weak, irritates the strong, and indisposes all to submission and reform. It is trampling where we ought to raise, and is therefore as unchristian in principle as it is unwise in policy. On the other hand, no imposition would be so improving, none so favourable to the cultivation of the prisoner's self-respect, self-command, and recovery of manhood as the making of every deviation from the line of right bear on present privilege or ultimate release. Such punishments would be as the drop of water that wears away the granite rock, and would, without needless pain or wanton cruelty, and especially without further injury to their manhood, subdue at length even the most refractory.

7. A system of prison discipline, to be truly reformatory, must gain the will of the convict. He is to be amended, but this is impossible with his mind in a state of hostility. No system can hope to succeed which does not secure this harmony of wills, so that the prisoner shall choose for himself what his officer chooses for him. But to this end the officer must really

choose the good of the prisoner, and the prisoner must remain in his choice long enough for virtue to become a habit. This consent of wills is an essential condition of reformation, for a bad man can never be made good against his will. Nowhere can reformation become the rule instead of the exception, where this choice of the same things by prison keepers and prison inmates has not been attained.

8. No prison can become a school of reform till there is, on the part of the officers, a hearty desire and intention to accomplish this object. Where there is no prevalent aim to this effect, there can be no general results in this direction. Such a purpose, however universally entertained by prison officers, would revolutionise prison discipline by changing its whole spirit; and fit reformatory processes would follow such change as naturally as the harvest follows the sowing. It is not so much any specific apparatus that is needed, as it is the introduction of a really benevolent spirit into our prison management. Once let it become the heartfelt desire and purpose of prison officers to reform the criminals under their care, and they will speedily become inventive of the methods adapted to the work.

9. In order to the reformation of imprisoned criminals, there must also be in the minds of prison officers a serious conviction that they are capable of being reformed, since no man can heartily pursue an object at war with his inward beliefs; no man can earnestly strive to accomplish what in his heart he despairs of accomplishing. Doubt is the prelude of failure; confidence a guaranty of success. Nothing so weakens moral forces as unbelief; nothing imparts to them such vigour as faith. 'Be it unto thee according to thy faith,' is the statement of a fundamental principle of success in all human enterprises, especially when our work lies within the realm of mind and morals.

10. The task of changing bad men into good ones is not one to be confided to the first comers. It is a serious charge, demanding thorough preparation, entire self-devotion, a calm and cautious judgment, great firmness of purpose and steadiness of action, a keen insight into the springs of human conduct, large experience, a true sympathy, and morality above suspicion. Prison officers, therefore, need a special education for

their work, as men do for the other great callings of society. Prison administration should be raised to the dignity of a profession. Prison officers should be organized in a gradation of rank, responsibility, and emolument; so that persons entering the prison service in early life, and forming a class or profession by themselves, may be thoroughly trained in all their duties, serving in successive positions till, according to their merits, tested chiefly by the small proportion of re-convictions, they reach the position of governors of the largest prisons. Thus alone can the multiplied details of prison discipline be perfected, and uniformity in its application be attained. For only when the administration of public punishment is made a profession will it become scientific, uniform, and successful in the highest degree.

11. Work, education, and religion (including in this latter moral instruction) are the three great forces to be employed in the reformation of criminals. (a) Industrial training should have a broader and higher development in prisons than is now commonly the case. Work is no less an auxiliary to virtue than it is a means of support. Steady, active, useful labour is the basis of all reformatory discipline. (b) Education is a vital force in the reformation of the fallen. Its tendency is to quicken thought, inspire self-respect, incite to higher aims, open new fields of exertion, and supply a healthful substitute for low and vicious amusements. (c) Of all reformatory agencies, religion is first in importance, because most powerful in its action upon the human heart and life. In vain are all devices of coercion and repression, if the heart and conscience, which are beyond all power of external control, are left untouched.

12. Individualisation is an essential principle of a reformatory prison discipline. To insure their highest improvement prisoners must, to a certain extent, be treated personally. While they are all placed under a general law, the conduct of each should be specially noted. The improving effect of such a verification, to each, of his progress in virtue would be great. It would be a first step towards restoring to him that feeling of self-respect, without which no recovery will ever be found permanent. Each should be enabled to know the light in which his conduct is viewed by those placed over him; for thus alone,

as his good resolutions strengthen, will he be enabled to correct that wherein he may be found deficient. The statement of this principle affords an indication as to the maximum number of prisoners proper to be detained in a penitentiary establishment; but it by no means settles that question; nor indeed can such definite and positive settlement ever be arrived at, since the question is one which must necessarily be left to the judgment and convenience of each individual State or community.

13. Repeated short sentences are believed to be worse than useless, their tendency being rather to stimulate than to repress transgression in petty offenders. The object here is less to punish than to save. But reformation is a work of time; and a benevolent regard to the criminal himself, as well as the protection of society, requires that his sentence be long enough for reformatory process to take effect. It is the judgment of this Congress that every penal detention should have in view, above all, the time of the prisoner's liberation, and that the entire discipline of a prison should be organized mainly with a view to prevent relapses. If by a short and sharp first imprisonment it is important to give an energetic notice so as to prevent the propagation of evil, it is no less important afterwards, by means of sentences of a longer duration, to prepare, in a manner more sustained and efficacious, the habitual petty transgressor for his re-entrance into society as a reformed, industrious, and useful citizen.

14. Preventive agencies, such as general education, truant homes, industrial schools, children's aid societies, orphan asylums, and the like, designed for children not yet criminal, but in danger of becoming so, constitute the true field of promise, in which to labour for the prevention and diminution of crime. Here the brood may be killed in the egg, the stream cut off in the fountain; and whatever the cost of such agencies may be, it will be less than the spoliations resulting from neglect, and the expense involved in arrests, trials, and imprisonments.

15. The successful prosecution of crime requires the combined action of capital and labour, just as other crafts do. There are two well-defined classes engaged in criminal operations, who may be called the capitalists of crime and its operatives. It is worthy of inquiry whether society has not made a mistake in its warfare upon crime, and whether it would not be better and

more effective to strike at the few capitalists as a class than at the many operative plunderers one by one. Let it direct its blows against the connection between criminal capital and criminal labour, nor forbear its assaults till it has wholly broken and dissolved that union. We may rest assured that when this baleful combination shall be pierced in its vital part it will perish; that when the corner-stone of the leprous fabric shall be removed, the building itself will tumble into ruins.

16. More systematic and comprehensive methods should be adopted to save discharged prisoners by providing them with work and encouraging them to redeem their character and regain their lost position in society. The State has not discharged its whole duty to the criminal when it has punished him, nor even when it has reformed him. Having lifted him up, it has the further duty to aid in holding him up. In vain shall we have given the convict an improved mind and heart, in vain shall we have imparted to him the capacity for industrial labour and the will to advance himself by worthy means, if, on his discharge, he finds the world in arms against him, with none to trust him, none to meet him kindly, none to give him the opportunity of earning honest bread.

17. Since personal liberty is a right as respectable as the right of property, it is the duty of society to indemnify the citizen who has been unjustly imprisoned, on proof of his innocence, whether at the time of his trial or after his sentence, as it indemnifies the citizen from whom it has taken his field or his house for some public use.

18. It is the conviction of this Congress that one of the most effective agencies in the repression of crime would be the enactment of laws for the education of all the children of the State. Better to force education upon the people than to force them into prison to expiate crimes of which the neglect of education and consequent ignorance have been the occasion if not the cause.

19. This Congress defends as just and reasonable the principle of the responsibility of parents for the full or partial support of their children in reformatory institutions. The expense of such maintenance must fall on somebody, and on whom can it fall more fitly than on the child's parent, whose

neglect or vices have probably been the occasion of its lapse into crime?

20. This Congress arraigns society itself as in no slight degree accountable for the invasion of its rights and the warfare upon its interests practised by the criminal classes. Does society take all the steps which it easily might to change the circumstances in our social state that lead to crime, or, when crime has been committed, to cure the proclivity to it generated by these circumstances? It cannot be pretended. Let society, then, lay the case earnestly to its conscience, and strive to mend in both directions. Offences, we are told by a high authority, must come, but a special woe is denounced against those through whom they come. Let States and communities take heed that that woe fall not upon their head.

21. The systems of criminal statistics stand in urgent need of revision and amendment. The Congress judges it expedient and desirable that greater uniformity should be secured in making up the statistics in this department of the public service in different countries, to the end that comparisons may be the more readily made, that conclusions may be the more accurately drawn, and that criminal legislation may with greater safety be based upon the conclusions so reached.

22. Prison architecture is a matter of grave importance. Prisons of every class should be substantial structures, affording gratification by their design and material to a pure taste, but not costly or highly ornate. The chief points to be aimed at in prison construction are security, perfect ventilation, an unfailing supply of pure water, the best facilities for industrial labour, convenience of markets, ease of supervision, adaptation to reformatory aims, and a rigid, though not parsimonious, economy.

23. A right application of the principles of sanitary science in the construction and arrangement of prisons is a point of vital moment. The apparatus for heating and ventilation should be the best that is known; sunlight, air, and water should be afforded according to the abundance with which nature has provided them; the dietary and clothing should be plain but wholesome, comfortable, and in sufficient, but not extravagant, quantity; the bedsteads, beds and beddings not costly, but decent, well-aired, and free from vermin; the hos-

pital accommodations, medical stores, and surgical instruments should be all that humanity requires or science can supply; and all needed means for personal cleanliness should be without stint.

24. As a principle that crowns all and is essential to all, it is our conviction that no prison system can be perfect, or successful to the most desirable extent, without some central or supreme authority to sit at the helm, guiding, controlling, unifying, and vitalising the whole. All the departments of the preventive, reformatory, and penal institutions of a State should be moulded into one homogeneous and effective system, its parts mutually answering to and supporting one another, and the whole animated by the same spirit, aiming at the same objects and subject to the same control, yet without loss of the advantages of concurring local organizations and of voluntary aid, wherever such aid is attainable and may be judiciously and wisely admitted.

25. This Congress is of the opinion that, both in the official administration of such a system and the voluntary co-operation of citizens therein, the agency of women may be employed with good effect.

LIVINGSTON'S SYSTEM OF CRIMINAL LEGISLATION.

The following remarks were made by Dr. Wines on the last day of meeting :—‘ I am charged with offering to this Congress, on the part of the National Prison Association of the United States, the Code of Reform and Prison Discipline by our great American jurist, Edward Livingston. The Association caused this Code, with the Introductory Report to the same, to be reprinted expressly in view of the labours of the Congress. It has, however, undertaken the publication of the whole system of penal law, prepared by the same author for the State of Louisiana and the United States, which will be issued, in two volumes octavo, during the ensuing autumn. The Chief Justice of the United States, the Honourable Salmon P. Chase, has kindly prepared an introduction to the whole work, which is also prefixed to the present smaller publication. An edition of Livingston's great work has recently been published in French,

under the auspices of the Institute of France, and will be immediately offered to this Congress through M. Vergé, a member of the Institute, who has so worthily represented the Academy of Moral and Political Sciences in this body. It is a remarkable as well as pleasing circumstance, that there should meet on this floor, and be offered to the acceptance of this Congress, French and American editions of a work which, though published a full half century ago, anticipated most of the great reforms in penitentiary treatment which the world is still slowly and laboriously engaged in working out. Mr. President, in presenting to the Congress this American publication in advance of the larger, which is soon to follow, I also offer the French edition of Livingston in two volumes for M. Vergé, whose duties called him to Paris this morning, but who has left a letter addressed to this body, which will be read in French, and translated into English by Musurus Bey, delegate to the Congress from the Sublime Porte.' The letter was then read, and is as follows :

London, July 12, 1872.

Mr. President,—I have the honour to ask you to offer to the International Congress on Prison Reform, a copy of the French edition of the great work of Livingston, one of the most eminent men of the United States of America, and among the most zealous pioneers in the reform of the penal and penitentiary system. This edition is preceded by a biographical sketch of Mr. Livingston by M. Mignet, and by a critical essay by M. Charles Lucas, a member of the Institute of France, the friend and successor of Livingston in his labours in behalf of penitentiary reform, undertaken half a century ago. Livingston was a member of the Institute of France (Academy of Moral and Political Sciences). He has found in the Old World as well as the New admirers and followers.—Receive, Mr. President, the assurance of my most distinguished sentiments.

CHARLES VERGÉ, Member of the Institute.

His Grace Archbishop Manning had intended to offer some remarks on the work thus presented to the Congress, but forbore to do so for lack of time. He subsequently addressed a letter to Dr. Wines, in which he embodied the substance of what he would have said if there had been opportunity. The letter is as follows :—

8, York Place, July 21.

My dear Sir,—Our thanks are due to you in chief for the International Prison Congress, which has resulted not only in much valuable information, but in the establishment of a permanent union of correspondence in respect to the statistics and discipline of prisons. But for the initiative taken by you and by the Government of the United States, I do not think this would have been attained. We have also to thank you for Mr. Livingston's valuable work on reform and prison discipline. I am sorry that it did not arrive earlier in our proceedings. Mr. Livingston was before his time. He has anticipated the substance of our late discussions on the separate system. In his words, "Imprisonment with seclusion and labour will diminish offences; imprisonment without seclusion will increase them." I was not aware that this had been tried and proved so long ago as 1791 in the United States. His book is worthy of his high name as a just and good man. I am sorry that I had not the opportunity of expressing what I think is due to Mr. Livingston as a forerunner in the recent amelioration of our prison discipline, which is, day by day, becoming vital to the welfare and even to the safety of the civil society of the world.—Believe me, my dear sir, yours very faithfully,

† HENRY E., Archbishop of Westminster.

The Rev. Dr. Wines.

PAPERS CONTRIBUTED.

Professor Carlo Morelli (Florence), a paper of 'Reflections on the Reform of Penitentiary Systems.'

Mrs. Sawyer (Bristol), 'Remarks on Reformatories and on Sentences.'

Mr. Henry Price, one of the delegates from the Board of Superintendence (Dublin), a paper, in which he maintained that the present system of committal for drunkenness was exceedingly unsatisfactory, and tended to increase the number of criminals.

Mr. Thomas Smith, agent for the North Staffordshire Discharged Prisoners' Aid Society, contributed a paper on 'The Best Method of Working such Societies, so as to Produce the Maximum of Good Results.'

Professor Foynitsky (St. Petersburg), 'On Prison Education and Prison Labour.'

M. de Lamarque, copies of a speech delivered by him on the

occasion of founding in Paris a General Society for the protection of convicted adults and of young liberated prisoners, which society was authorised by a decision of June 9, 1872.

Mr. William Tallack, secretary of the Howard Society, 'On the Condition of our English Prisons.' This paper has been published separately.

M. Maluvisti contributed a letter of suggestions 'On the Diminution of the Number of Prisoners.' The object of the letter was to suggest an attempt to produce uniformity in the prison systems of all civilised countries.

M. Antoine D., Port St. Marie (Lot et Garonne), 'On Penitentiary Reform.'

Advocate Cav. Giovanni Bolis, Questor of Leghorn, 'On the Police, or Office of the Civil Magistrate, considered as an Institution preventive of Crime.'

A paper was contributed on 'Œuvre protestante des Prisons de Femmes' (Paris, St.-Lazare).

The Committee of French Protestant ladies for the aid of prisoners, contributed a paper on the work in St. Lazare, Paris, showing that exceedingly valuable results had been obtained, mainly by bringing religious influences to bear on the inmates.

Mr. Sheriff Watson, 'On the Establishment of Industrial Schools.'

Mr. CHARLES R. FORD, Secretary of the Reformatory and Refuge Union, contributed a paper on 'English Efforts for the Prevention of Juvenile Crime,' in which he traced the gradual rise both of certified reformatories and industrial schools. Like many other English public institutions, the present system of treatment of juvenile offenders had been gradually developed, mainly from efforts made by benevolent persons, who had to overcome much opposition. It was not until the year 1854 that the first Reformatory Schools Act was passed, granting to the managers of the institutions founded and managed by voluntary workers various powers over those detained, and defraying a portion of their expenses. Three principles were contained in this and all subsequent Acts:—1. Voluntary management. 2. Power of detention over the inmates. 3. Govern-

ment payments with Government inspection. For eighteen years careful statistics had been kept of those leaving these institutions, and, although all who had entered them must have passed through prison, upwards of seventy-five per cent. had continued to do well. The management of the institutions was founded on the twin principle of individual influence and industrial training.

Some few years after reformatories had become thoroughly established, the experience of the managers began to show them that many of the children committed to their care were not sufficiently depraved to justify their being sentenced first to the stain of a prison, and then to a lengthened detention among hardened, though youthful, criminals; that a large class of children not yet criminal, but on the verge of crime, was also forcing itself upon public attention. To meet these wants, the first certified Industrial Schools Act was passed in 1857, to enable non-criminal but neglected children to be sent to these semi-State institutions without having been to prison. The working of this class of institution had been much the same as that of reformatories. The success of the united work of the two classes was best shown in the fact of their having prevented the necessity for any increase of reformatories, and reduced the yearly number of those committed to them. In 1862 their number was sixty-five, and it remains the same at the present time. In the same year the number of certified industrial schools was forty-five; now it is ninety-five. Those children whom it was impossible to bring under either the Reformatory or Industrial Schools Act were received into voluntary homes and refuges, which have materially contributed to the general diminution of crime.

Appended to this abstract are statistical tables showing the gradual growth, the receipts, and disposals of both classes of institutions, with other particulars.

**STATISTICS OF DISPOSALS FROM REFORMATORIES AND CERTIFIED INDUSTRIAL SCHOOLS,
From their commencement to the 31st December, 1871.**

	REFORMATORIES.			CERTIFIED INDUSTRIAL SCHOOLS.			Grand Totals.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.	
To Employment or Service	3,877	1,637	5,514	1,696	835	2,531	8,045
Returned to Friends	4,155	1,072	5,227	1,360	303	1,663	6,892
Emigrated	1,398	85	1,483	134	33	167	1,650
Sent to Sea	1,924	..	1,924	395	..	395	2,320
Enlisted	412	..	412	116	..	116	528
Discharged on account of Disease	212	95	307	82	22	104	411
Discharged as incorrigible, and to Penal Servitude	146	53	199	..	..	..	199
Discharged by Special order .....	..	..	..	241	151	392	392
Committed to Reformatory Schools or Prisons .....	..	..	..	286	60	346	346
Transferred	516	192	708	414	72	486	1,194
Died	383	144	527	286	151	437	964
Absconded	555	137	692	383	103	486	1,178
Totals	13,578	3,415	16,993	5,398	1,812	7,210	24,203

STATISTICS OF REFORMATORIES.

Year.	Number of Institutions.	ADMISSIONS.			RECEIPTS.					
		Boys.	Girls.	Total.	Total.	From Treasury.	Voluntary Subscriptions.	From Rates.	From Parents.	Profit on Industrial Work.
1854	7	28	1	29	..	..	..	..	..	..
1855	17	331	78	409	..	..	..	..	..	..
1856	34	820	143	963	..	..	..	..	..	..
1857	53	1,101	203	1,304	..	..	..	..	308	..
1858	58	792	196	988	..	..	13,103	..	1,154	..
1859	59	1,009	273	1,282	74,361	51,681	17,436	2,602	1,717	..
1860	60	1,145	323	1,468	59,230	..	..	..	2,246	..
1861	62	1,288	348	1,636	91,834	66,374	15,109	4,749	2,362	..
1862	65	1,069	285	1,354	91,893	68,141	12,048	7,055	2,564	..
1863	64	976	267	1,243	89,808	66,375	11,364	8,799	2,433	..
1864	66	1,119	264	1,383	95,808	64,735	10,357	9,546	2,499	6,921
1865	65	1,256	337	1,593	99,846	64,619	10,721	9,613	2,479	10,011
1866	64	1,327	320	1,647	104,319	67,978	8,276	11,742	2,804	11,573
1867	64	1,396	310	1,706	117,287	72,999	12,858	15,287	3,112	11,171
1868	64	1,337	334	1,671	122,268	77,351	10,948	17,823	3,017	10,830
1869	65	1,357	330	1,687	125,256	82,357	8,284	18,041	3,241	13,556
1870	64	1,301	327	1,628	129,694	84,423	9,250	19,372	3,295	14,980
1871	65	1,295	319	1,604	129,413	83,761	8,703	19,219	3,560	16,222

STATISTICS OF CERTIFIED INDUSTRIAL SCHOOLS.

Year.	Number of Institutions.	ADMISSIONS.		RECEIPTS.						Profits on Industrial Work.	
		Boys.	Girls.	Total.	Total.	From Treasury.	Voluntary Subscriptions.		From Rates and School Boards.		From Parents.
							£.	£.			
1857	41	608	400	1,008	£.	..	..	..	..	..	..
1861	45	422	169	591	..	..	..	..	..	1,062	..
1862	47	490	159	649	..	13,117	..	..	..	1,169	..
1864	50	466	138	604	..	15,887	..	..	..	1,189	..
1865	50	562	213	775	..	19,684	20,449	..	..	1,239	..
1866	57	814	241	1,055	49,826	22,797	22,914	..	..	1,642	..
1867	63	1,444	539	1,983	83,391	31,723	25,931	19,652	1,869	..	..
1868	77	1,859	707	2,566	122,082	52,564	39,676	19,062	2,532	4,832	..
1869	84	2,026	554	2,580	142,502	74,102	37,109	21,057	3,506	0,326	..
1870	91	2,689	551	3,240	193,534	92,962	63,012	21,120	4,540	7,902	..
1871	95	2,167	726	2,893	185,423	100,682	40,803	19,232	5,181	10,407	..

JOHN HOWARD: HIS LIFE, CHARACTER, AND SERVICES.

A LECTURE BY THE REV. H. W. BELLOW, D.D.

THE glory of a great name sometimes obscures the outlines of the life and character that furnished its splendour. Living in the light and heat of their genius, humanity gives a worshipping homage to its chief benefactors, while careless of the precise nature of their claims on its gratitude; and often forgetful, and at last ignorant of the history of their services, and the conditions under which they won their place in universal reverence and honour. This is especially true of founders, whether of religions, states, liberties, or grand humanitarian movements. The wider and more general their services, the less is their history and reputation subject to critical estimates, or within the custody of exact observation. Their names come to stand for principles and sentiments—for piety, patriotism, virtue, philanthropy—and to partake the vagueness with the largeness and universality of their identification. A single lustre has sufficed to give the name of Lincoln in America a mythic character. The splendour of his services, and the greatness of the vast event—the emancipation of three million slaves—with which his life is associated, has already produced the dimming effect of a century of time. Gratitude and reverence remove him from fixed contemplation, and those of us who knew him as he was—a man of vigorous and passionless intellect, of keen and coarse humour, sad and gentle, unselfish, without personal ambition, incapable of prejudices—find every finer line in his character blurred in the national estimate, which knows him only as the typical American, the plain rail-splitter, who showed every farmer's boy how naturally he might realise his hopes of the presidency, or as the incorruptible and ideal patriot, the fortunate martyr for the liberties of a race.

Of no great name is this more true than of the man whose life and services we are now met to consider. The name of Howard has become the synonym of philanthropy. It is more widely

known, and known with more unqualified praise and honour, than any private name in modern history. Hundreds of associations for charity and beneficence have chosen it for their title. It has passed out of the keeping of his own countrymen into that of mankind. The lips of little children learn it almost next after that of their divine master. Its glory belongs to neither sex, but celebrates virtues and graces equally honourable and acceptable in both. It is one of the few names religion dares to repeat in connection with her holiest themes. There is scarcely a shadow upon it. It mingles with all that is purest, noblest, most celestial in human feelings. It overleaped, even in the days of angry polemics, the walls of sect, and acted as a solvent of bigotry, and a cement among theological rivals and antagonists. It stands for universal mercy, world-wide sympathy, and absolute consecration to human service. A name for mildness, self-forgetfulness, sleepless activity in benevolent work, for interest in the most abandoned and repulsive of our species, for hope towards those despaired of by all others, for chivalrous and heroic daring against enemies more perilous than artillery, but from whom even wisdom had accounted it universally permissible to flee—pestilence and crime; a name for humility which fled from the echoes of its own resonant goodness, wept at the praises it could not escape, and unaffectedly longed to be unknown. What a halo hangs around these syllables! Howard! If, as he himself declares, not one insulting word, or disparaging and contemptuous act, ever met his eye or ear in the sixteen years of his pilgrimage among the reprobate and cruel class confined in the prisons of all Europe, a hundred years in which that name has circulated like a household word through the homes of civilised man, has hardly produced one jar or discord in the universal symphony of love and praise.

And yet how little beyond this vague and general notion of a super-eminent goodness, an heroic philanthropy, survives in the public memory! It is not for the want of competent and excellent biographies of Howard, that his name has become mythic. Brown, Aiken, Field and Taylor, and Mr. Hepworth Dixon, to whose excellent summary I am to be so much indebted in the order of this discourse, have furnished us with all the facts needed to reproduce his life and understand his character and

services. Burke, Chalmers and other great orators have looked at him with the eye of genius, and spoken of him with the tongue of discriminating appreciation. It is only because the total effect of his life and character deafens by its loud report the articulate accents of his career, that it becomes necessary, and will continually become more necessary, to revive the definite facts of his life and exact traits of his character, and to dwell, line by line, upon his services. I can hope, in the very limited space of this address, to do little more than baldly repeat the main facts of his career, if I am to leave myself any room for the chief object of my discourse—a comparison of the condition of prison discipline, when Howard inaugurated reform about a hundred years ago, and now, when the nations are met in peaceful congress to report progress and devise new plans of reform.

John Howard, son of a London tradesman, who made a moderate fortune and retired from business about the time of his son's birth, was born, if the doubtful inscription on his monument in St. Paul's may be received in the absence of any more decisive testimony, at Hackney, in the county of Middlesex, September 2nd, 1726. He passed his infancy and youth in the country, of which he continued all his life very fond. His mother died too early to afford him the gentle nurture his somewhat sickly constitution and sensitive mind required. There was nothing precocious in his childhood. His father, a well meaning and religious man, probably of little taste or discernment, sent him to successive schools, chosen more with deference to a Calvinistic dissenter's natural predilections or scruples than to any general merits, where the boy exhibited little quickness of mind and small aptness for learning. He evidently had the dull interest in his opportunities which belongs to feeble constitutions, aggravated by habits of solitude and a curious lack of contagious sympathies, on which the emulation of school-life or a respect for human opinion produced no effect. It was not for want of opportunity or care that John did not learn to read and write with correctness and ease in his school-days, and that his spelling, punctuation and general education continued to the last, for a person in his station, sadly deficient. It was due to a nature, narrow, deep, and self-enclosed, feeling only impulses from within, and valuing his

own respect to a degree that made him almost insensible to the ordinary motives of pride and shame, or fear and hope, of example and emulation, that usually animate and restrain our common nature. His life would be a riddle without the key which his peculiar and providential temperament and disposition supply, and his indifference to what others call education was of a piece with his life-long indifference to what actuates the overwhelming majority of our fellow-creatures. Clearly he was a person from the very start, *sui generis*, not to be comprehended or measured by any common standard. What was customary, general, established, expected—because easiest to fall in with, and founded in experience—had, all his boyhood and all his manhood one may almost say, simply no weight with him. He was neither docile nor easily led, although singularly mild and inoffensive. Other people's ways, expectations, or usages do not seem so much to have vexed him or aroused his opposition as simply to have produced no effect upon him in the way of example or authority. The only thing of much importance that happened in his school-days was the acquaintance he made at Mr. Eames' school with Dr. Price, whose independent character and habits of thinking evidently suited the original streak in Howard, who happily never confounded his sympathies with men and character with an agreement with their peculiar opinions.

At an uncertain age, but probably not before fifteen, Howard was taken from school and apprenticed to some wholesale grocers in London. A tradesman's son, he had enough of the stuff in him that men of accounts and barter and business are made of to have become a successful merchant had he continued in this walk of life. He stayed long enough only in the place to form or confirm those habits of accuracy, order, and system which, whenever he was really interested in anything, he displayed in a consummate degree. What he may have learned about foreign countries in this apprenticeship, is supposably important; but exactness, punctiliousness, nicety in action, were his more important acquisitions, if they may not rather be considered his original gifts and tendencies, to which his short business experience gave a valuable direction. His father's death, on September 9th, 1742, made him the heir to a considerable landed property, and seven thousand pounds in money. The trustees

of the estate—for Howard was less than seventeen—allowed him an unusual share in the management of his property, of which his father, who evidently saw his entire freedom from the usual dangers of young men born to fortune, had made him sole residuary legatee on attaining his majority. Howard had contracted no love of money in his short mercantile experience, and the control of a considerable sum seems not to have intoxicated him in the least degree either with a sense of importance, or a tendency to self-indulgence. He set, almost immediately, about repairing his father's neglected house in Clapton; and then on the more important work of restoring his own feeble and debilitated constitution by a tour on the Continent. It is pleasant to think that Howard, for a few years at this period of his life, enjoyed some of the leisure, freedom, and curiosity, which, after he had once entered upon his philanthropic career, he never tasted again. It brings him a little more within our ordinary sympathies, to learn that he visited galleries of pictures and exhibitions and even made a small collection of paintings, not ill chosen, which afterwards adorned his residence in Cardington. On his return, after probably less than two years absence, his health improved but far from established, he settled temporarily at Stoke-Newington, to escape the insalubrity of London. Here he devoted himself to nursing his own invalidism, by rigid diet, riding on horseback, and abstinence from all social excitements. A young man of sedate feelings, under strong religious impressions, with little heat in his blood, unexacting appetites, and undisturbing passions, inclined to meditation rather than to curiosity, his prospects at this time were certainly not those of a man likely to effect anything remarkable in the world. He had an innocent taste for some of the simplest parts of science, such as watching the changes of the barometer, and a less safe disposition to dabble in medicine. But his own letters show how imperfectly developed his intellectual nature was, and how little stored his mind. His greatness never lay either in the original or acquired force of his understanding or the reach of his thoughts, but in the compass of his humanity, his singleness of mind, his strength of will, and that wisdom which attends the humble and the reverential.

Having moved his lodgings, from dissatisfaction with the little

care he received, into the house of Mrs. Loidore—a widow of more than twice his age, without wealth or personal attractions, and a settled invalid—Howard fell seriously ill, was devotedly nursed by this excellent woman, and thought he owed his life to her care. With his characteristic disregard of appearances and disrespect for other people's example or opinions, Howard, thinking nothing short of this proof of his gratitude would fully extinguish his obligation, pressed upon this worthy woman the offer of his hand in marriage. With perfect good sense, she resisted the urgency of his preposterous purpose. But Howard's will was up and his blood down. Marry him *she must*, to meet *his* sense of duty ; and, probably from real pity for his solitary and feeble condition, marry him she did !

However unsuitable the union, Howard showed no signs of *mauvaise honte* ; gave no indications at any time that he repented his folly ; treated his wife with the utmost tenderness during the three years that she lived, and lamented her loss with honest sorrow. This marriage is invaluable as a clue to Howard's peculiar character, and, like his indifference to spelling and punctuation, shows how providentially fitted he was, by insusceptibility to ordinary criticism or even to reasonable expectations, for the solitary career he afterwards entered upon. It is not too much to say, that the courage and independence he displayed in utterly disregarding the sneers of his own circle in his strange and ludicrous marriage, foreshadowed the boldness and originality of his course, when, single-handed, he attacked the time-honoured ignorance and cruelty castellated in the prisons of Europe, and treated gaol-fever, plague and typhus, precisely as he had treated what he regarded unwisely as the prejudices and foolish whims of society. Howard's first marriage stamps him as a man of eccentric, because solitary and self-originating, habits of thought and feeling ; a man of imperfect sympathies, not sufficiently respectful of the opinions of the world or the dictates of prudence ; a man in whom the wholesome and natural longings and expectations of youth are wanting ; who either does not know, or knowing, despises, the judgments of his fellow-men. His marriage, though partial biographers may excuse or extol it, as an evidence of his moral superiority, was really due to defects in his nature and culture, his health and breeding. Even if his conscience drove him to

it, it showed a morbid and perilous condition of conscience in which there was more heat than light; but, as an illustration of his mental and moral make—the preponderance of certain qualities of a rare eminence, and the absence of certain feelings, usually and wholesomely operative in other men—it throws a flood of light upon his peculiar history, reveals the source of his power, and explains the originality of his career.

The death of his wife having released Howard from duties at home, and left him without peremptory occupations, he determined again to go abroad. The recent earthquake at Lisbon in 1755, which had made thousands of the poor houseless, and engaged the humane attention of Europe, drew Howard's mind, in want of a specific object, to a plan of personal relief for the sufferers. I pause to compare the difficulties under which that stupendous and tragical catastrophe must have slowly published itself through Europe and America—weeks and months elapsing before it could have spread the knowledge of so vast a calamity to the confines of civilised humanity—and the almost simultaneous consciousness with which both continents and both sides of the globe, perhaps it may be said the civilised world, found themselves in twenty-four hours after the burning of Chicago, encircling the ruin—all eyes at once directed upon one gigantic misfortune, and all hands busy in stretching out relief. Compare the telegraphic wires that thrilled the news, as to a common sensorium, of the Chicago fire, with the diligences, couriers, sail-ships, that for months were giving a succession of horrible surprises to the outposts of the civilised race, of the earthquake at Lisbon; and compare John Howard, months after the event, devising, from his own fortune, a personal ministration to so great a distress—setting forth, alone, to investigate the half-unknown calamity, and making an insecure and finally baffled voyage of weeks to reach the spot—with the system of commercial drafts by telegram, which poured the charity of all parts of the world into the lap of Chicago within forty-eight hours of its desolation! It is necessary to keep in view the complete revolution in locomotion, and transmission of intelligence, which the world has undergone since Howard's career, to do any justice to the difficulties of his pilgrimage, the obstacles to creating a public opinion, the enormous boldness of his cosmopolitan scope.

France and England were then at variance, and the seven years' war at its height.

The "Hanover," the vessel in which Howard had sailed for Lisbon, was captured by a privateer; and Howard was carried into Brest and confined, with many other prisoners, in a dark, damp, filthy dungeon, for many hours without food, and for a whole week without any bedding except a little straw. This dungeon, noisome and horrible, was doubtless the birth-place of Howard's life-long scheme of prison reform. It at once brought to a point his vague general longings for usefulness in some form, into which extreme self-denial, great personal courage, and solitary effort should enter. Howard, removed to various places along the French coast, discovered that prisoners of war were suffering dreadful barbarities, and he ultimately found out that it was nearly the same on both sides of the channel, and from Holland to Spain. His humanity was aroused; and he successfully sought, from those whom his bearing had inspired with respect and confidence, the privilege of going back to England on his *parole*—pledging himself to return if he did not succeed in finding an exchange. As an evidence that even thus early his personality carried a strange power with it—such as belongs only to deep natures, animated by some exceptional inwardness of being, living from some secret springs of action—Howard, a perfect stranger, found, even in captivity, friends willing to trust him with money and to become sponsors for his word. In England he readily obtained an exchange, and then, his obligations discharged, set energetically about procuring relief for his late fellow-captives and arousing sympathy with the 'commissioner for sick and wounded seaman,' in behalf of prisoners of war. His appeal, urged with the eloquence of his own personal experience, carried conviction, and, as his first success in any similar work, it doubtless encouraged his confidence and prepared him the more readily to yield to the call, which, however, was not yet for a long time to be made, that finally summoned him to his great career.

Fourteen or fifteen years were to elapse before Howard was to enter upon his life-work. But this period was to be one in which his character, though it can never be said to have needed settlement was to ripen in retirement into special

gentleness, benevolence, and unworldliness, and to become even more weaned than it constitutionally was, from all that was not profoundly serious and useful.

Howard retired early in the year 1756 to his small patrimonial estate at Cardington, near Bedford, which must ever be considered as his home. He had passed most of his childhood there, and it was associated with his early love of fields and flowers. Like most solitary and grave natures, averse to the competitions and social pleasures of life, he had a peculiar love of the country, and of the country quite distinct from what is usually called scenery. His moral grandeur somewhat belittled the sublime in the outward world, so that we never or seldom find him giving way to any enthusiasm in the presence of mountains and cataracts, of which he had seen more than one in ten thousand of his countrymen. Indeed, the sense of beauty and grandeur in nature is, to some degree, a very modern sentiment. But for the country, its fields and lanes, its flowers and trees, its quietude and its simplicity, Howard felt a strong attraction and genuine love. Nor was he without the Englishman's somewhat exaggerated sense of the value of land, and that love of ownership in the soil which—the scarcity of that article in so old, so crowded, and so small an island, where proprietorship in the land must long continue the most marked distinction—is so easily accounted for. Howard considerably extended his estate, and entered at once upon a plan for improving the condition of his tenants. He had a constitutional repugnance to disorder, to the absence of neatness, and to everything coarse in food, manners, and customs. It was not accompanied by an equal positive enjoyment of what was elegant and refined, various and splendid. On the contrary, absolutely repellent of filth and disorder, his nature seemed to demand little variety and little ministry to æsthetic sensibilities; active and earnest as he was in the use of his time and gifts, elegant leisure was something he never understood.

Engaged in extending and improving his estates, and guiding and inspiring his tenantry, Howard, about four years after settling at Cardington, at thirty-two years of age, found himself irresistibly attracted by the character and charms of a modest and sensible woman, Henrietta Leeds, eldest daughter of Edward Leeds, of Croxton, Cambridgeshire, Serjeant-at-Law,

and married her on April 25th, 1758. She was evidently a woman precisely suited to his disposition and character; not without a serious beauty of person, but free from vanity, worldliness, or ambition; like himself, a lover of the country, of retirement, and of usefulness. She was a member of the Established Church; but his absolute respect for liberty of private judgment, coupled with his sense of religious obligation, made him strictly tolerant of her opinions, different as they were from his own. Indeed, all his life long, he was a curious and noble example of a mind profoundly and even narrowly rutted in its own congenital prepossessions, yet untouched with what is offensive in proselytism, and capable of estimating worth dissociated from its own religious ideas, forming friendships with those from whom it widely differed in opinion. He made one frank condition with Henrietta before marriage—that in all cases of practical difference, where a decision must be reached, his will was to be undisputed. With few husbands could such a position and formal concession have been so safely made. Howard never abused it, and Henrietta never regretted it—although it was not a dead letter in the household.

Howard's underlying principle of action was well illustrated in this agreement. His life and character were founded upon the idea of religious obedience. He accepted the Jewish and Christian Scriptures in the most implicit faith, and with the simplicity and deference which marked the School of Puritan Religionists from which he sprung. He was a diligent reader of the Bible—never a student of it in the inquisitive, investigating sense which our generation attaches to the word. It seems never to have occurred to him that anything except a devout and obedient temper was necessary for the fullest understanding of the Scriptures. All our apparatus of languages, glossaries, archæological and historical comparison, would have shocked his child-like faith. He felt that he had in his English Bible a sure and perfect revelation of the Divine will, and that an implicit obedience to it was his only safety, as it was his greatest privilege. His acceptance of the Puritan interpretation was as well settled and immovable as his reverence for the Word of God. His sense of the probationary character of human life—the relative worthlessness of all temporary comforts, occupations, and aims, when compared with the great end of

personal salvation, the disastrous lowness and depravity of human nature, the difficulty of maintaining a proper spiritual elevation—was intense and never remitted. Doubtless he had his own knowledge of the workings of weakness in his heart and life ; but it is hardly too much to say, that no life, so well known and which may be so minutely followed, ever presented less of self-indulgence, less unsteadiness to rigid principle, less contrast between its inward ideal and its outward behaviour. Critics intolerant of perfection, and specially puritan perfection, have sought to fasten moral weaknesses upon Howard, or to prove that his nature avenged itself for his rigorous devotion to public usefulness, by private arrogance, domestic tyranny, or paternal cruelty.

But no such assertions can be made out. Jewish, rather than Christian, as his notions of conjugal and domestic duty were ; rigid and gloomy as his ideas of life ; narrow as his creed was, and unenlightened his whole philosophy ; the wonder is that he was so faithful to his principles with so little offence to others, and so much in advance of his contemporaries in practical views of political, social, and humanitarian duty. He seems never to have changed in the least the dogmatic ideas with which he began life ; yet, in respect to everything else, he was eminently gentle, open to testimony, liberal and even large in practical conduct. He is a conspicuous illustration of the truth, that great doers are seldom embarrassed by abstract speculation or paralysed by conflicting opinions. Contrasted as Howard's life was with his character and creed, broad in action and narrow in opinion, continental in plans and insulated in convictions, there were no balancings, hemispheres, or dualties in his mental constitution. He was as clear, positive, and sure in his convictions as any man that ever lived. He halted not between two opinions, had no doubts or misgivings, never saw two sides to any question, never surrendered his opinion, but went like a cannon-ball to its mark, every grain of powder in his nature telling all in one direction. It was this strange concentratedness, absence of speculative understanding, unobtrusiveness of ideas, and freedom from contagious sympathies, with his fixed religious faith, and puritan tastes and training, that enabled him to accomplish his herculean work—begun without colleagues, carried on mainly alone, needing no

support from sympathy, and undeterred by danger as unintoxicated by success. Had he been a philosopher, we should have lost the great pioneer of modern philanthropy. Had he been a thinker, he would have wasted in theoretical investigation the power needed to carry him through his vast practical investigations. Had he not been a puritan, his fortune and estate would have entangled him in social relations, county influence, and the taste for the chase, or the preserving of his game, which would have preoccupied and satisfied his love of activity. Had he been more sensitive to external beauty in nature or art, he would have lingered along a road over which he sped, and dulled, in his soft and refining tastes, the edge of that ardour and courage which he needed and so sublimely displayed in his after career.

Meanwhile, Howard, aided by his gentle, obedient, and refined wife, spent his time in building model cottages on his estate, to which, at only the same rent demanded for the poor cots he found there, he promoted those of his tenants who, by temperance, cleanliness, and attention to religious duties, earned his preference. Considering the time, more than a century ago, and the general prejudice which then prevailed against the possibility or the desirableness of raising the rural population above an abject condition, I am not certain that Howard's plan for elevating the tenantry on his own estate was not a more remarkable evidence of his characteristic independence of public sentiment, and a bolder display of self-reliance, than even his attack on the prison system. It was, however, in the same line, and only a first wave of the tide that from his heart was to sweep over Europe. Without paying the least attention to the settled habits of neglect, or the fixed ideas of the uselessness of educating the poor to neatness and self-respect, which existed among the gentry of his own day, he inaugurated, from his own sense of duty and his own good sense, a plan, beginning with the improvement of the homes of the peasantry and then with their schooling, all at his own expense and out of the savings of a moderate income ; which lacks no element of originality, good sense, and absolute wisdom. He had no wild enthusiasm in his nature, and therefore no expectation of great immediate results. He anticipated pretty much all that a hundred years has since developed, in the methods of dealing

wisely with tenantry. His cottage system and his schools seem to have succeeded admirably, and it is hard to see in what respects his plan wanted anything which our own age would have supplied. His example and success were contagious, and his wealthy neighbour, Samuel Whitbread, the well-remembered brewer, who by his estates and possessions had a wide connection with influential families, extended his scheme until Cardington, from a miserable town, became one of the most orderly and prosperous neighbourhoods in the kingdom.

The happiness of this admirable life was now to suffer a cruel blow. On March 31st, 1765, Howard's wife suddenly died, after having, four days previously, given birth to their only son. They had been married seven years, and their long disappointment of an heir was just most happily removed, when the beloved mother of his child was taken from him. Howard was fearfully smitten, but not overthrown. He had loved his wife with his conscience as well as his heart. He mourned for her, as those only mourn who have not easy access to others' bosoms, and for whom every friend they gain is a conquest over their own habits and difficulties, as well as over the hearts they make their own. How much sentiment entered into Howard's love for what Mr. Baldwin Brown insists, in the oriental style, on always calling 'his *favourite* wife' we cannot decide; but oftentimes, the love of natures, as concentrated and shut up as his, is as deep as it is undemonstrative, and as inextinguishable as mute. He never forgot her, and carried her miniature with him into all the dungeons of Europe, as, next to his religious trust, the guardian angel of his pilgrimage. Doubtless his wife's death set him free for plans and duties he could not have contemplated in her lifetime, and so became a step in the providential pathway leading to his great destiny.

The only spot which ever stained the robe of Howard's fair fame, is the imputation that he treated his only child with cruelty, neglect, and folly. We are not disposed to attribute this charge to envy or malignity. There was enough eccentricity, rigour, and fanaticism in Howard's composition, and enough ill-judgment and imprudence in his ideas of domestic government, to arouse honest criticism and to bring his complete soundness of mind and heart into suspicion. He appears to have been of that order of persons in whom conscience is

despotic, and who are necessarily arbitrary and unyielding in their relations with others. Certain of the purity of his own motives, and fixed in his convictions, there is no evidence in his whole life of his preferring the opinion of anybody to his own. He did not affect himself, except in a poetistic way, a form of humility which often covers extreme pride in the more practical self-judgments of men. He thought human nature deeply corrupt, and natural feelings of very illegitimate origin. He considered the human will as essentially rebellious, a thing to be broken, not directed. He thought it his duty to bring up his child upon a theological theory, of which the first principle was unreasoning, implicit, and absolute obedience. That he carried this theory out with calm but unflinching persistency, without passion or violence, is very clear. God had mysteries in His Government which He did not deign to explain, while faith, in the absence of sight, and obedience, simply as obedience, was Howard's idea of religious fidelity. He thought himself only a follower of the divine method, in requiring of his child what he very irrationally conceived to be a strictly parallel obedience-in-the-dark to that which God required from him. But he made mysteries, where God simply leaves them. He brought artificial self-denials and hardships upon his child, as if they bore a true relationship to those natural trials and forms of discipline which grow out of the divine constitution of our mixed and complex life. He put his child into postures naturally most trying to the restlessness of early youth, and left him alone for weary periods, to try his obedience and trust in his father's will. He ordered him to take off his shoes and walk on the gravel, for no other reason than to test his submission and accustom him to useless and irrational hardship. Of course, such a method could only produce inward rebellion, suppress the will without training it, alienate natural affection, and make a father's presence to be associated only with what seemed arbitrary or capricious power. It only added to the peril of this course that Howard pursued it with passionless calmness. Had any irritation, loss of temper, or sign of strong emotion accompanied it, we can believe that it would have been less trying to the child, for it would have been partially interpreted by the child's own caprices and moods. The oppressiveness of an unruffled oppo-

sition or control, on which resistance or shrinking or sensibility makes no impression, is more truly intolerable than occasional outbreaks of injustice, or of bad temper. We seem to see the little Howard, who had something of his father's wilfulness, undirected by his father's conscience, burying his hatred and disgust for this inexplicable but unnatural dealing with him in his heart, as a cowed prisoner buries his powerless hatred of the gaol rules, to which he submits implicitly, in his rebellious heart—ready to wreak his wrath upon the social system that smothers his will, upon the first chance that freedom offers him. The singular insensibility to others' states of mind, the peculiar absence of flowing sympathies, which all his life made Howard a bad judge of servants or of men, no doubt rendered him obtuse to the actual feelings and tendencies of his child. The tyranny of his conscience had strangled the freedom of his own nature, and his peculiar theories of religion had made him almost blind to the rights of childhood or the spontaneous feelings of humanity.

No desire to protect Howard's fame should blind us to the enormity of the mistake he made in the education of his child : that he was wholly conscientious and wholly mild, only adds to the force of the warning which his eminent example offers of the perils of his method. Nor do we believe that he himself failed to profit by his own fearful experience. The effects were indeed terrible, and are too directly traceable to their causes to be missed by competent observers. Howard, by his intense and unsympathetic predominance of will, strengthened by a feeling of the arbitrariness of the divine decrees and the Sovereignty of God, made a home, in which order reigned supreme, and where vice, noise, confusion, rebellion, were suppressed by a stifling atmosphere of religious submission. Beneath this artificial frost, where weeds could not grow, and where order, obedience, piety, had a steady reign, hypocrisy, eye and lip service, evil desires waiting opportunity, natural feelings crushed and inwardly bleeding, were biding their time like slaves governed by the whip, to vindicate their inextinguishable rights. Howard had too little philosophy and too little knowledge of the world, and too peculiar a bringing up, to understand the dangers of his system. He had really failed worst in his son's education, just when he flattered himself he had best suc-

ceeded. When he boasted that he believed his child would cut off his left hand if his father so ordered him, he gives us the most melancholy proof how unnatural his relations with his son had been and how little he had accustomed him to any mingling of reason and choice with his discipline. It is thus that arbitrary government, whether of peoples, of prisoners, of children, of schools, of armies, ever defeats its own end. It substitutes fear or compulsion for hope, love, and reason. It is unmoral, which is next to immoral, and Howard's splendid name must not blind us to the real significance of his fearful failure.

His son developed an impetuosity, waywardness, and self-indulgence, an aptitude for vice, which finally ended in insanity, and terminated his life at thirty-six in a lunatic asylum.

It is only a confirmation of this account that Thomason, Howard's favourite body-servant—who accompanied him on several of his tours on the Continent, and was with him at his death—was all the while one of the greatest of hypocrites, and one of the most attentive and subservient of serving-men. He was long the trusted companion of young Howard, and initiated him into the vices which his father most hated and despised; but so blind was Howard to the springs of human action, and so hide-bound in his theories of obedience, that there is no evidence that he ever suspected Thomason's real character, for he continued to employ him long after others knew his treachery and filthy wickedness. His other servants, whom Howard always treated with the greatest consideration, and whom he continued for the longest periods in his service, were either too much accustomed to regard his will as imperative to venture a remonstrance or any information, or to presume to have any opinions about his affairs, or they were too well satisfied with the fruits of their absolute subordination to disturb existing relations. Much is made of their testimony in favour of his domestic wisdom; but Howard, like other men of despotic will, was the easiest of masters to wholly obedient servants. Unopposed, he was the most amiable of men to deal with; but I cannot but think that, with all his visiting and devotion to his tenantry, he must have been a person difficult to approach; who understood others very little, and was a sort of sacred mystery to those with whom he lived.

Howard made one more journey to the Continent in search of health and relaxation, before he entered unexpectedly upon his public career.

This journey to the south of France, to Italy, Switzerland and Holland, is marked specially by the action of his religious nature. The profound quality of his piety nobody can dispute. He passed his time in reading his Bible and meditating upon his inward state, or in recording the exercises of his spirit with his Maker. It was the day of religious diaries, a day happily gone by; a day of morbid introspection, before people had learned the wisdom of forgetting themselves in the service of their fellow-creatures. It was a day of dualism—when matter and mind, work and play, piety and pleasure, God and Nature, this world and the other, were always treated as rivals and antagonists. Howard was not superior to the ideas of his time; he shared them to an intense degree. He suspected his own pleasure, curiosity, interest in art and music, and in whatever else took him away from direct offices of service to his tenants and the religious exercises of his home and his usual place of public worship. Yet no man's piety ever had a more direct and decisive influence. Simon Stylites was not more isolated from human attractions and worldly lusts than Howard, who sunk in his humility as far below public observation as the pillared anchorite mounted above it, in his proud self-sufficiency and aspiration to divine society only. That there was something morbid and narrowing in Howard's piety is certain, but whether, for the purposes to which he was sent, his peculiar pietism and ascetic rigour, his unwholesome self-examination and steady fear of falling short of his salvation, were not overruled to the public good, is certainly not to be hastily affirmed. He needed to have all fear of men and of danger from pestilence removed, and nothing in his day but an ever-present fear of God could have exorcised these natural terrors from his mind. No man, not driven by his conscience, and haunted with dread of losing his own soul, could have pursued Howard's painful, never-interrupted career, amid the most revolting and perilsome duties ever self-imposed by mortal. A life of solitary hardship, and fortunately necessary to his peace.

In an earlier age he might have retreated to a wilderness and lived in a cave like St. Jerome. But, without special intel-

lectual resources, little fancy, and no humour, action was necessary to his temperament and qualities—and it was fortunate for the world that no action was possible to Howard which was not accompanied by self-denial, and not heaven-directed and heaven-supported. Always tending to positive conclusions, he came, in this, the last journey he made with no other object than health and occupation, to a written consecration of himself to the service of God, duly recorded in his biography, which he seems to have held continually before him and to have formally renewed in Russia near the close of his life.

On returning to England in 1771, not essentially improved in health or spirits, Howard gave himself to his old duties as a devoted landlord, but was nominated in 1773 to fill the office of Sheriff of Bedford—a post of honour usually reserved for men willing to do its repugnant duties by deputy. It was just the place for a man anxious to serve his fellows by strict attention to its neglected duties, and piqued Howard's craving for a sphere to which he must have felt himself specially called by his patience of labour, carelessness of his own ease, and love of positive results. But Howard was a dissenter, and dissenters could not take any place of trust or honour in the State in those days without submitting to the Test Act, that is, without partaking of the Anglican Sacrament, and in effect disowning their principles. A fine of 500*l.* moreover punished any evasion of the preliminary formalities prescribed to office-holders, who also forfeited all future rights even as guardians, executors or trustees. Howard thought then, as most people think now, that this disfranchisement was wrong. He accordingly boldly determined to accept the office without submitting to the conditions; believing, perhaps, that public opinion would sustain him in his illegal righteousness, or else willing to test the question, should it be raised, by all necessary sacrifices, and become a martyr for the rights of others. It was precisely in character, for his whole life was one that disregarded others' views of his own duty; and clearly few men suffered less pain or less indecision in following his own light, however little supported by public sentiment. He flung away at once all the pomp and ceremony of his office and entered with his whole heart and soul, his time and strength, into its most laborious and repugnant duties. Doubtless he began with a profound ignorance of

what has since been called prison science ; indeed it remained for him to invent it. But he had a thoroughness, an unsparing devotion to whatever he assumed as his duty, which compelled him to regard every iota of his official business as supremely important. He sat in the courts during the trials, and visited every cell in the gaols of his county and considered every individual prisoner's case narrowly.

John Bunyan, a hundred years before—1660 to 1672—had made Bedford gaol immortal by his 'Pilgrim's Progress,' issued from his saint's rest in this providential confinement. John Howard was to make it immortal again, by commencing a Pilgrim's Progress from its walls, which should dispute, in real life, the palm of Sainthood with the unfettered graces of an exalted imagination moving in an unreal world.

Howard says that the first circumstance which excited him to activity in behalf of prisoners, was in observing, when sheriff of the county of Bedford, that persons accused of crimes but on trial found *not guilty*, or against whom prosecutors failed to appear—after having suffered, previous to trial or arraignment, months of unjust imprisonment—were often dragged back to gaol and locked up until they should pay *sundry fees* to the gaoler, clerk of assize, &c. He represented the hardship to the court, and begged that the gaoler should have a salary in place of fees. The court was moved with the justice of the suggestion, but wanted a precedent for charging the county with the expense. Howard rode into several counties in search of a precedent, and his failure to find one did not prevent him from discovering the general sufferings of debtors and felons in all the prisons he visited, and worked up an earnest desire to alleviate what excited his pity and offended his sense of justice.

And here it is necessary to understand what the condition of prisons was, we may almost say must have been, not in England merely but throughout the world, a hundred years ago.

Whatever theoretical declarations may for ages have existed of the equal rights of man, it may be affirmed that, practically, the idea of government existing for the good of the governed, the protection of universal rights, and security of happiness in all classes, is an idea wholly modern and not a century old. It is only lately that the theoretical rights of man

could be vindicated; because the practical necessity of society to maintain its own existence long compelled rights and duties to give way to urgent and imperative instincts of self-preservation.

The short and bloody code of past ages was partly justified by necessity. In the absence of popular education, and the undeveloped state of local institutions, what were called civil courts had to be administered on the principles of drum-head court-martials. What was called peace was a state of civil war, not recognised, but subject to all its exigencies. Unsupported and unchecked, uninspired and unassisted by anything corresponding to public opinion as we know it, governments could not concern themselves with the humanities which the growth of modern interchanges of opinion and feeling, under wholly new conditions of life, made possible by recent mechanical triumphs in art.

And when the general condition of the peasant and labouring class is that of ignorance, hardship, suppression; when comfort, independence, intelligence, mark only small and exceptional portions of the people, how can the claims and interests of that common pest—the felon or criminal class—be naturally expected to rise into importance. Whatever stagnant public sentiment exists, under such circumstances, is in favour of summary dealing with those whom it becomes a sort of degraded solace to think of as less fortunate than their own unfortunate selves. We saw in our own American war how the sufferings and sorrows of the people at large, in the Confederate States, made them indifferent to the cruelties and horrors of thousands of prisoners at Andersonville and Richmond, and how rapidly at the north gaols and prisons degenerated under the hardening of the public heart, accustomed to battle and death.

But when to an undeveloped political system, and a social order which exhibits still unbroken the stratification of the successive layers of descending intelligence, and rights not yet won nor shared, we add the necessary obscurity of public life, of law and penal proceedings, in an age to which news never came, it is to be wondered that abuses of all kinds were not more common and destructive. In 1753, when Howard was twenty-seven years old, the population of England being 6,186,336, the number of stamps issued for English newspapers

was 7,411,757, a little over one copy of a newspaper a year to each person! In 1853, just before the compulsory stamp was abolished, the issue of stamps had reached 128,178,900—the population having attained by the census of 1851, 27,724,849; i.e., while the population had only quadrupled, the newspaper circulation had multiplied by seventeen. The abolition of the stamp in 1855, with the previous removal of the advertisement duty, enormously increased newspapers. In 1856, there were 784 papers of all kinds in the three kingdoms, in 1872—1,189. But the increase in the number of the papers bears a small proportion to the increase in the number of copies. Mr. Grant estimates the circulation in 1870 at not less than 100,000,000.

But the circulation of the news is a smaller source of moral and social changes than the circulation of the people. The wonderful development of cheap and rapid locomotion has done more to promote public intelligence by that parallax which change of place offers for the correction of observation,—the agitation of thought and the comparison of feelings—out of which an effective public sentiment grows, than even the newspaper. They work together to increase each other's influence; curiosity and motion being stimulated by reports, and news made more welcome and more necessary by the widening range of intelligence and sympathies, which locomotion creates and extends.

To this add the telegraphic system, which has so vastly extended the area of sympathies and of knowledge of immediate events, and compelled nations to stand every day in the court of each other's common judgment. What questions of human concern were not compelled to wait for the new conditions of our economic life, before they had any chance of successful consideration? It is not too much to say, that reformations in hospitals as well as prisons, in schools as well as gaols, nay, the whole science of political economy, and the science of philanthropy, have arisen since John Howard was born.

If we examine the condition of prisons in his day, we find, as the first distinction, that debtors were treated quite as badly as criminals—an indication how little moral nicety there was in the public conscience; that the death-penalty belonged to

200 different offences ; and men were hanged for stealing a pair of shoes or a skein of thread as certainly as for murder and arson—which indicates not only the fearful disrespect in which human life was then held, but also the coarseness of the penal system, which considered only governmental economy, succinctness, and convenience. Sheriffs, gaolers, and other officials connected with prisons, were allowed, nay compelled, to collect their own unfixed salaries from the fees they either legally or illegally (but with general immunity) extorted from prisoners. The privilege of feeding them was farmed out to the highest bidder, or given to those who had most interest with the county authorities. The tap, at which spirituous liquors and beer were sold, was within the gaol, and it was the interest of the gaol-keeper to encourage drunkenness and excess to swell his own gains, while orgies and excesses of all kinds were allowed beneath his very eye. Outsiders of a loose and reckless character were permitted to enter the gaol and carouse with the prisoners, to promote the use and sale of liquor. Men and women were placed in proximity, often had the use of only one yard, and were sources of gross temptation and vice to each other. The prisoners had certain prescriptive rights of demanding what was called *garnish* from every new comer, before the privileges of the prison were allowed him ; and they were not restrained from personal cruelty and persecution towards any whose impecuniosity made it impossible for them to fulfil the demand for the few shillings which were to be spent in riotous drink. The only distinction among the debtors in prison was the privilege, which those who had friends able and willing to help them enjoyed, of living on the gaoler's own side, where certain comforts were obtainable for pay. Courts were held infrequently, and in places often distant from the gaols ; and prisoners, not proved guilty and yet untried, were often compelled to suffer a cruel imprisonment, under most ignominious conditions, before they could be brought to trial ; and, after being tried and acquitted, they were often held in gaol for weeks or months until certain fees were paid which these unfortunate or innocent persons had no means of meeting. Labour, as a rule, although often on the Continent enforced as a part of the punishment, yet always the greatest privilege of the felon, was almost unknown in English gaols. The gaolers and all persons connected with the prisons were, as a rule,

rough, coarse, and ignorant men, selected for their insensibility to human suffering and their moral apathy. The only thing required of them was the safe keeping of their charge. But this was rendered difficult or impossible except by violent and cruel methods—irons, clubs, and whips—on account of the ill-contrived, decayed, and neglected character of the buildings used as gaols. There was hardly a prison in England, whose plan, conveniences, and position, were creditable to the intelligence or humanity of the people. Water, the greatest, if the cheapest of necessities, was often supplied only from without the prison walls; and the filth of a large and reckless set of felons was allowed to accumulate in reeking masses of poisonous feculence within the immediate precincts. Straw was seldom furnished in anything but the stingiest quantity, and prisoners commonly lay upon muddy floors, with the damp oozing into their cells, upon a rotten mass of litter. Bedding, except as a privilege to be paid for, was of the worst description and wholly insufficient to prevent frequent deaths from the winter's cold. The gaol-fever was an almost exclusively British disease, as odious in name as deadly in character; and its existence then is still a reproach to the country that was, for generations, deaf to its moans and madness. The lives of prisoners were less regarded than those of soldiers whose duty is to advance to probable destruction upon a battery that must be stormed. Without any such necessity, debtors and felons alike were for small offences or misfortunes put in constant jeopardy of life and reason, from the poisoned air, the filthy cells, the unventilated holes, into which they were crowded almost to suffocation. Bad as the air was, it was as small in quantity as it was base in quality. Even now, the sluggishness of air, never less aptly described than when Shakespeare called it *nimble*, is not sufficiently understood; nor the quantity of fresh air required for health and safety duly estimated. But then, it might almost be said that only very enlightened persons knew, much less dwelt upon the thought, that man lives by breathing, and cannot safely breathe over again and again for a considerable time the same air. A hundred years ago, before Priestly had discovered oxygen, we may well believe that ventilation and hygiene, in private houses, in hospitals and gaols, and the whole sanitary economy of drainage, sewerage, and disinfectants, was in the

crudest state. Even now, when the principles are so well known, their application is imperfect and their neglect discouraging and disgraceful. But it is a paradisaic state, as compared with the infernal condition in which sanitary science then lay. We may judge what the condition of educational, moral, and religious influence was like to be, when the more urgent and more obvious claims of prisoners' bodies were so ignorantly and cruelly neglected. But, with a rare exception, prisoners' minds were paid no attention ; and their consciences and hearts were mocked by the rare visits of chaplains, who seem often rather to have deserved a place among felons, drunkards, and harlots, than to have been trusted with the responsible and sacred offices of moral instruction, spiritual guidance, and holy consolation. It is indeed only the wisest and most self-denying, the most humane and angelic of the clerical order, who anywhere can be of substantial use in dealing with the sick and dying souls of felons. But, as a rule, it was the least worthy, the most unreliable, the coarsest and most idle of their calling, who were then made gaol chaplains. They went from their drink or their cards among the debtors, to gabble their prayers among the felons, and were as little worthy as examples or as guides, as they were wholly perfunctory and mercenary in their routine of duty. But it was not gaolers or chaplains who were most to be blamed for a condition of things, worse apparently in England than anywhere in Europe. It was the general state of society, which, in this free country, jealous of too much government, has not yet supplemented the *laissez-faire* it required from the authorities, by any proper attention to duties which in free populations must be taken up by public opinion, and carried out by the intelligence and humanity of the common sense and sentiment, or else fall into more neglect and abuse than under despotic rule and among over-governed peoples.

It was in this condition of things that Howard, in 1733, began his tours of inspection. He little knew on what a mighty task he had entered, and blessed was 'the holding of his eyes,' for no man could well have borne at once the burden of the knowledge with which he was gradually to be laden. Northampton, Leicester, Nottingham, Derby, Stafford, Lichfield, were among his first visits ; Warwick, Worcester,

Gloucester, Oxford, and Aylesbury followed. The same story—little straw, insufficient water, horrible dampness; cells underground, one day-room for men and women; dunghills, stagnant mire; broken plaster reeking with infection; small windows or none; keepers unsalaried, debtors without allowances of food: the whole condition heart-breaking, disgusting, and provoking to righteous indignation. It required no special humanity to see or feel this—only decent home-habits, ordinary charity, and a mind not hardened by familiarity with it, or prejudiced with the too common feeling of the time, that felons and debtors were persons necessarily outside the pale of human sympathy, while cruelty and suffering were the providential penalty of their wickedness, and could only be dangerously tampered with by sentimental softness. It was Howard's felicity and fitness, that not being a man of much sentiment he was also a man little affected by prevalent prejudices. His sense of justice was wounded more than his humane sensibility, by this outrageous negligence; and he was happily the last man in the world to believe that anything that ought to be done could not be done or must not be attempted, even single-handed, and done to the utmost extent of the ability of him that recognised the evil, even if it stopped there. He, of all men, never looked back after putting his hand to the plough. It is wonderful how little of his indignation or wounded sensibility he wasted in the first report of his early experiences—the most disheartening because of their newness—upon words and sentimental reproaches. His moral fury all went into work. He did not make a moment's parade of his fine feelings, nor call in the neighbours to witness his transports of indignation. He quietly records for his own use, his distressing observations, and reflects, with practical good sense and without speculative profundity, upon their causes. Strange to say, his personal unsupported inspections, without warrant or authority, were not without some immediate effect, for Howard carried in his small and homely stature, a certain grave and potent personality—made up of unaffected earnestness, simplicity of purpose, and religious courage—which awed and commanded from the first alike prisoners and prison-keepers.

But his first round in the towns and counties most convenient to him only convinced him how rotten the gaol system was, and

how imperative a searching investigation had become. It seems strange in our day, that he did not now at once seek to organize some association among whom his labours could be distributed, who would secure governmental authority, provide pecuniary means by collections among the charitable, and arouse public sentiment. But Howard, wise in his very ignorance of modern methods—which, if tried at all, must have failed then—and original in his habit of self-reliance, as in his readiness to assume the labours and expenses of a personal exploration, seems not to have had a thought of co-operative assistance. He started out again after ten days' rest, or rather of labour of another sort, and perhaps to him not the least painful—writing out his notes—upon what must be called the third circle of his visits. This time, it reached Herts, Wilts, Berks, Dorset, Hants, and Sussex.

In the prison at Salisbury, he saw, just outside the gate, a heavy chain stapled to the wall, to whose successive links were padlocked by the leg a string of debtors, who were peddling nets, purses, and laces, to the people that passed by. He found in this town a repetition of all the evils he had already encountered, and some worse. The Christmas holidays over, which brought him to Cardington to be with his son, Howard started for the north of England, on what had now become the voluntary business of his life. At York, he found something to approve in the debtors' apartments, which were exceptionally airy and humane; but the cells, not only without ventilation, which nobody then thought of, were so small that it takes away the breath to think of them— $7\frac{1}{2}$ feet long, $6\frac{1}{2}$ wide and $8\frac{1}{2}$ high, with only a hole of 4 inches by 8 over the door to admit the already poisoned and devitalised air of the dark and damp passage way. Three human beings were commonly locked up for nights of fourteen to seventeen hours long in winter, in these exhausted receivers, called prison cells, which were as empty of convenience and as offensive as if purposely made for places of torture. Howard turned south from these appalling scenes, and visited Lincoln, Huntingdon and Ely. At Ely he found prisoners, in fault of any secure stronghold, laid on their backs at night and then caged by iron bars crossed over their bodies, while iron collars, full of spikes, prevented any motion of their heads; and this was an episcopal city, the gaol under

the Bishop's own jurisdiction, and dependant for repairs on his revenues. Howard found here several persons detained for costs, whose obligations he generously paid—a substantial form of humanity which led him for all his remaining life to draw steadily on his own fortune, and which it required a very handsome fortune to meet. He either kept no record of this vast beneficence, or steadily refused to allow others to see, much less, report it. No man ever more unaffectedly kept the great precept, 'let not your left hand know what your right hand doeth.'

A fearful instance of the corruption into which the administration of trusts had fallen, is given under the head of his visit to Exeter. The keeper paid the proprietor of the felons' county prison—for it was owned, as a grant from the Duchy of Cornwall, by a private person—22*l.* a year for his position, and he exacted this sum, and enough to support his family besides, from the wretched prisoners; and all the while the family possessed an estate specially left to enable it to keep this prison in order. Prisoners rotting in gaol for gaolers' fees under a pound, and for offences where the fine had been one shilling only; prisoners chained two or three together in cages of less than 400 cubic feet of air; prisoners dying, and officers too, of gaol-fever; prisons where starvation by cold and insufficient food was common, where water and straw were as scarce as cruelty and apathy were abundant—this was his daily experience as he extended his investigations, not indeed without exceptions, and even beautiful exceptions, which he is always prompt and happy to note.

Considering the private character of Howard's investigations, it is remarkable that they should so soon have attracted parliamentary if not public attention—two things much more distinguished from each other then than now; but the truth is, no man can do much in this world unless he works with a general movement; and independently of Howard's labours, a certain degree of public uneasiness, a sense of something very wrong and disgraceful in the whole prison system, was agitating the better mind of England at the time Howard rose to give point and crystallisation to the sentiment. Howard's tours of inspection did not begin until the close of 1773. But as early as 'February 18, 1773, Mr. Popham, member for

Taunton, had brought a Bill into the House of Commons abolishing gaolers' fees, and substituting for them fixed salaries payable out of the county rates.' This Bill, after two readings, was withdrawn only to be amended, and, on March 31, 1774, passed in an improved shape. Meanwhile, Popham and Howard had met, and probably agreed on some plan of joint action. Even this independent move of Mr. Popham's in prison reform was by no means the first which had been made in England. As early as 1701-2 the Society for Promoting Christian Knowledge, and in 1728-9, a parliamentary commission of inquiry, had very clearly comprehended the disgraceful condition of prison affairs, and fairly estimated the chief evils, and the true means of reforming them. But, like all efforts made prematurely, not indeed so far as the call for them is concerned, but prematurely so far as the necessary support of public opinion is considered, these intelligent, sincere, and organised attempts to reform—Newgate, the Fleet, the Marshalsea—were failures, except in so far as they touched some dull consciences, illuminated some hitherto darkened minds, and put the public a step or two forward in its education. Had not Howard's personal zeal and practical experience, with the overwhelming amount of facts known only to himself, supported and sustained the member for Taunton, he could probably have done little with the House; but had not the House of Commons already had the subject of Prison Reform pressed upon its attention independently, Howard might have long rapped at its doors in vain. It was the providential conjunction of the two, that brought about so rapidly the fortunate result. Howard was stirred to new diligence when he learned Popham's resolution, and Popham was led to aim at a higher result, and by more radical measures, when he discovered Howard's energetic and painstaking study of the state of prisons. Howard had now become unsparing in the demands he made on his own diligence; he gave himself barely time to attend to his private obligations. He regarded neither distance, labour, nor expense in his investigations. Hundreds of miles, by post, on horseback, by night and by day, he hurried through England, Wales, Ireland, Scotland, the Isle of Wight, ubiquitous, making almost superhuman haste, and yet overlooking and forgetting nothing.

A gaol with one prisoner was important enough to draw him frequently to its inspection. He took nothing on hearsay ; made no rough generalisation ; exposed himself boldly to gaol-fever, small-pox, typhus, and every personal trial to which delicate sense or humane feelings can be subjected, that he might be able to speak with unanswerable authority on a subject which he had perfectly exhausted. Let us remember that this was not a time when immense accumulations of facts, exactly observed, had taken the place which they now possess, even in the physical sciences, much less in the moral. Howard's hunger for facts was unexampled in his time. He anticipated even scientific observers in the vigour, exactness, hesitation to generalise, or patient waiting for an exhaustive examination of the field. This was partly due to the want in him of a discursive understanding, or tendency to generalising ; the absence of a lively imagination and an intuitive perception, but still more to the scrupulous conscientiousness of his character ; his inability to tell lies of carelessness ; his plodding patience, and utter self-forgetfulness in the pursuit of his ends. It is hardly too much to say, then, that every prison, bridewell, house of detention, sponging-house, in the three kingdoms, and every apartment in each of them, and every individual prisoner in every cell, had by this time been under his inquiring eye, and had felt his influence. The whole race of prison-keepers and gaol authorities, as well as all the felons, convicts, and debtors, had seen his face and felt the genuineness, the authority, and the strength of his purpose. What other man has made his personality for so many years so directly felt by the very persons for whose improvement and reform he was labouring ? Associated beneficence, deputed and vicarious sacrifices for the vicious, organised corporations for charity and for reform ; we all know their necessity, their advantages, and their power. But do we not also know their limitations, their dangers, their exposures to superficiality and perfunctory work ; their tendency to become at last only costly machines, run largely or mainly for the sake of the officers who administer them ? John Howard was a sublime exception to the rule which trusts more to the machinery than the power that drives it ; to the wheels, than the spirit in the wheels. His personal labours were as abundant as his public reports were few and far between ; his inquiries as

minute, special and particular, as they were numerous, broad and universal. He swept the whole field, but it was as carefully as if it had been only a single threshing-floor.

It was the grand impression which the thoroughness, privacy and genuineness of the man, his scrupulous accuracy or cautious habit of understatement, his lack of all self-seeking, had made on Popham that, duly represented by so weighty a member, had made the House of Commons call Howard to its bar—a much less common occurrence then than now—as an expert, to bear witness on the prison question. His bearing, precision, modesty and self-respect, with the aptness and fulness, the readiness and exactness of his answers, evidently filled the whole House with surprise and with reverence. That very evening, he was called to the bar of the House and publicly thanked by the Speaker for his humanity and zeal—a fact as honourable to the House of Commons as to Howard himself, for it is, and ever was, an honour most rarely bestowed on the simple benefactors of the race. Howard was not intoxicated by this honour, but he did not shun or reject it, as he did some later forms of public applause. It seems even to have animated him to wider labours. But I cannot follow him any farther in the British work. We have heard and seen enough of it to judge of all the rest.

One incident only it seems necessary to completeness, and because it is solitary in its kind, to refer to, before following him to the Continent; and that is, his consent to stand for a seat in Parliament for the borough of Bedford. It was as a dissenter and a reformer that he found himself forced by his conscience, and perhaps also by an ambition, which if suppressed in manner, and by his own watchful suspicion of all secondary motive, was not without its influence in his unconscious heart, to enter into an election in which it is clear enough that there were wrongs and follies on both sides—but where he and his kinsman, Mr. Whitbread, represented at least the spirit of liberty and the rights of the people. His recent sight of Parliament, with the feeling perhaps that his own objects might be more advantageously pushed there than elsewhere, may have contributed to the undisguised disappointment he felt in losing the election. It was probably bitter, and aggravated by the feeling that he had departed from his general preference for privacy and private effort, in entering himself as a candidate

for public place. No man was more jealous of his own motives than Howard, or could bear less easily the least sting from his own conscience or the least lowering of self-respect. We cannot but think that his successful election would have compromised his real independence and simplicity of action. It was a gracious providence that, by four votes only, saved John Howard from standing on an official pedestal which he had need to dread more than the marble one he made such frantic efforts to avoid. Honourable and great and desirable as parliamentary place and privilege are for other, and it may be greater, men, John Howard, private citizen or plain sheriff, was a power that would have lost immensely by any political station or co-operative complications, or by the scattering which varied duties and diversified themes would have given his fixed, concentrated and intensified zeal in a great special work.

Howard was already familiar with the Continent, but his first visit there as a student of prisons was made in April 1775. He began with the Bastille, which was among the few places his firm but gentle will failed to gain entrance to—a repulse he never forgot, and punished in an expensive way by publishing afterwards, at his own cost and peril—to the horror of England and the chagrin of France—a diligently suppressed account of it, by a recent prisoner of state, who had had the luck to escape. Howard had fallen upon a rare copy of this pamphlet, and his publication of it made him an object of special hatred to the French police. Long after, the news of the fall of the Bastille was among the last and most exquisite gratifications of his wasting life. Howard pursued the same course of diligent personal visits he had practised in England to all the gaols in France, Holland and Switzerland which his limited time, or his somewhat unwelcome presence, allowed him to see. He knew just enough of French to get along with the language. He found one grand distinction, at the very first rapid survey, between the prisons of the Continent and those at home. They were fewer and more empty, especially the debtors' prisons! They were cleaner and more cheerful. They were better kept, and had less general brutality in their management; they were almost uniformly better supplied with food and clothing. But all these things followed from one central fact—they were conducted upon the principle of exacting *labour* from the prisoners.

It was the rule on the Continent. In England, and Great Britain generally, labour in a prison was an exception. On the Continent, the prisoner laboured on the public works, the roads, cleaned the streets, engaged in varied forms of industry—and that, too, without exciting surprise or arousing discontent among free labourers. In England, work was a hardship which the English felon repelled as the least endurable form of punishment, and the least consistent with his sense of justice. Take away a man's liberty; feed him poorly, and still make him work without wages! nothing seemed more hostile to an Englishman's sense of fair play than prisoners' work. But the public had much the same dislike of it for an opposite reason. Labour was a privilege that honest people were often seeking in vain in a dense population; and should criminals have it furnished to them even in gaol? It wounded the pride, and it hurt the sense of justice and of self-interest in the Englishman; and, therefore, public sentiment long sustained the government and the prison authorities in excluding labour from the gaols. At that time, it is not too much to say that, what was only for the prisoner's own good (always excepting his religious advantage, which few were blasphemous enough to grudge him) had no consideration or weight with the public. A felon had forfeited all rights and all claims to sympathy and protection. If he wanted to work—as he did not—it was a reason why he should not be allowed to do it; and the only reason for making him work was that he objected to it, and that it was an aggravation of his punishment.

I do not find any evidence in Howard's letters before this visit to the Continent, that the all-important, central fact of *labour*, ignored as a means of order, discipline, reformation, in English prisons, was the radical cause of their declension, or of their inability to rise—and indeed of the wretched state to which they tended, and in which they stuck fast. Had he published his observations on prisons and prison reform before this visit to the Continent, it is very doubtful whether any real and permanent advantage would have proceeded from them.

But when in Holland—always his favourite country—it matched his mind in its thoroughness, neatness, practical order, and plainness of life and character—he first saw the maxi-

upon which their spin-houses for women and rasp-houses for men, were conducted—

Make them diligent and they will be honest,

—it seemed to throw a ray of all-piercing light through the facts he had collected, as well as to furnish a principle of order about which they arranged themselves. There is one short paragraph in his journal in Holland that contains undeveloped every sound and reformatory idea that has since entered into prison science.

It is this :

‘ The principal cause that debtors as well as capital offenders are few, is the great care that is taken to train up the children of the poor, and indeed of all others, to industry. The States do not transport convicts ; but men are put to labour in the rasp-houses, and women to proper work in the spin-houses upon this professed maxim—

Make them diligent and they will be honest.

Great care is taken to give them moral and religious instruction and reform their manners, for their own and the public good ; and I am well informed, that many come out sober and honest. Some have even chosen to continue and work in the house after their discharge. Offenders are sentenced to these houses according to their crimes, for seven, ten, fifteen, twenty and even ninety-nine years ; but to prevent despair, *seldom* for *life*. As an encouragement to sobriety and industry, those who distinguish themselves by such behaviour are discharged before the expiration of their term.’

Here then are distinctly recognised by the Dutch government, and noted and approved by Howard, all the principles which have since animated the progress of prison science, and marked its advancement:—

1. The great preventive to crime and to the necessity of a great prison population, is the training up of the children of the poor—to industry.

2. The abandonment of the policy of getting rid of criminals by transportation, or by an incarceration which has no other end than their safe keeping ; in short, the use of labour, considered as a means of the prisoner’s own improvement.

3. The use of moral and religious instruction, as a means of reforming prisoners and preparing them for sober and honest lives when they are released from prison.

4. The law of kindness, implied in the statement, that some prisoners here preferred to continue and work in the prisons after their discharge.

5. Careful graduation of penalties, with an avoidance of any that must necessarily lead to despair—such as sentences for *life*.

6. Encouragements to sobriety and industry, by discharging improving and teachable prisoners before the expiration of their term.

Here are anticipated all the principles of the latest improvements in prison science. It is only in a clearer grasp of these principles, and in the choice of methods which embody or obey them, that any progress has been made. But we shall have only too abundant proofs that the recognition of sound principles, or even of good methods, has been the smallest part of the delay and difficulty in prison reform. It is the bringing of the public conscience and will steadily to bear upon the state of prisons ; the keeping them constantly before the public attention ; the inspection of prisons by persons not directly interested in their administration ; the union of governmental responsibility with the intelligence and moral sensibility of the nation, to quicken and elevate its tone and its humanity ; resistance to the continued tendency to dismiss criminals and their claims from the public heart, crowded with more pleasing and more personal theories ; the dissociation of prison administration from general and local politics ; the training of a high class of prison-keepers, and their protection from the hardening and lowering influence of their calling on any but the best class of men : these are the only means by which the best principles and methods can be made practically operative. And it must be confessed that Holland had attained, and Howard had recognised, a hundred years ago, all that is fundamentally important in the science and method of prison-discipline. What has since been done is mainly the scientific demonstration of these principles ; and, alas ! here and there for short seasons only their practical application in a stricter and more thorough method. For it must be confessed with sorrow and shame,

that no steady progress has been kept up anywhere—no uniformity attained—no persistency been shown by any nation in the use even of methods proved excellent; and no means yet discovered of saving prison-discipline from the fluctuations of political changes and theories, or from the ebb and flow of social and moral life in the people at large. Prisons, by a certain necessity, tend ever to degenerate; they can be kept up to a recognised and possible standard of efficiency only by perpetual vigilance and the constant reanimation of the original impulse that led to their reformation. To reform them and leave them to the fruits of the reform, is soon to lose its benefits. They must continually advance under a never-diminished impulse of humane and enlightened principle and feeling, or they must decline.

Howard's fruitful visit to the Continent made him suspicious of the decisive value of his previous studies in English prisons. He had learned so much, that he felt the necessity, before coming to fixed conclusions, of seeing with his new and wider-open eyes, all that he had seen with less intelligent observing powers, and less enlightened views. He returned to England and devoted seven months—from early in November 1775 to late in May 1776—to the re-visiting of all his old field, adding to it any gaols that had been omitted. His views were enlarged, his convictions strengthened by this new circuit—in which he found some proofs that his influence was already not without effect.

But it only made him desire a wider acquaintance with the continental prisons, and a still fresher comparison of English and continental methods, before publishing his work, which he kept steadily before him. Without loss of time he started, as soon as his circuit in England was over, for Paris, which he reached early in June, and by way of Lyons, where he found a state prisoner in the fiftieth year of his confinement; he came to Geneva, where he observed the laws against bankrupts and insolvents to be specially stringent. He seems to have approved the treatment of bankruptcy as a moral offence and a political disfranchisement. This is not the direction which later thought is taking. The abolition of imprisonment for debt, where it has been approached or accomplished, is based upon the conception that it is for the interest of society that, in all bargains, the creditor should make his risk a part of the restraint put

upon his disposition to push his business ; that to come between him and his debtors with penal guarantees is to offer a premium on rashness and reckless trading, and that a speculative and imprudent spirit is more encouraged by it than any severity of penalties on the debtor can overcome. The natural penalty for sloth, absence of energy and thrift, and want of character for integrity and foresight, is want of credit. Is it prudent to take away this constant and ever-active restraint upon both debtor and creditor—a restraint which stimulates the debtor-class to prudence and rectitude and the creditor-class to caution and fewer risks, and so moderates and regulates trade ? In America, certainly, a freer and more generous course has prevailed in regard both to debt and insolvency than in other countries, but it has produced a much more rigid scrutiny into character and credit. On the whole, a great and steady improvement is making in the credit system. No trader in the most distant town now escapes the observation of experts, whose business it is to know his exact standing for means, habits, and character. The wholesale merchants pay for this knowledge, and base their credits with general safety upon it ; so that bankruptcy declines, credits grow shorter, and fewer losses are, every decade, reported from over-trading. It is doubted by many New York bankers and brokers whether any legal protection of their business is ever real, and whether dependence on it does not increase their risks by diminishing their self-protecting instincts, more than it strengthens their capital by its penalties for fraud and carelessness.

Howard visited Germany after Switzerland, and although he saw some things to distress him, his general testimony was to the superiority of the continental prisons. He found this strange anomaly, that while he preferred the religion, manners, government, domestic life of his own country to any and all others, he blushed over the superiority of all other countries to his own in the condition of prisons. However national preference or partiality may have blinded him on the first head he must certainly have been unbiassed on the second ; and no one had ever before, *his* opportunities of making the comparison. His experience—and it is a fine proof of his courage and force of character—did not dishearten his purpose. We can see that he was not ignorant of the opinion others had formed of his under-

taking, although happily not influenced by it, when he says to his reader: 'From the account I have given him of foreign prisons, he may judge whether a design of reforming our own be merely *visionary*—whether idleness, debauchery, disease and famine be the necessary attendants of a prison, or only connected with it in our ideas for want of a more perfect knowledge and more enlarged views.'

Howard had now spent three years in collecting observations on the state of prisons, and had travelled nearly fourteen thousand miles, by the slow and painful conveyances of a century ago, in his pursuit of the knowledge he was to set before the world.

He was neither a practised nor even a grammatical writer, and his consciousness of his defects in this respect must have weighed heavily upon him. But happily, he had no vanity and no reluctance to acknowledge his incapacity as an author, or weak unwillingness to seek or accept aid in arranging and digesting his copious rough notes.

His friend, the Rev. Mr. Densham, in London, was employed by him to give some order to his crude mass of materials. Between them, the work 'On the State of the Prisons in England and Wales, with preliminary observations, and an Account of some Foreign Prisons and Hospitals' was got into substantial shape and order. It was then submitted to the literary criticism of the celebrated Dr. Price, already widely known and respected, who had been a school-fellow of Howard's, and for whom he had a well-founded respect. It could not have gone into more kind, conscientious, or discreet hands. He left it essentially in Howard's own language, merely corrected and pruned, but without any attempts at rhetorical embellishment or amplification. The work bears on every page the proofs of its original authorship. Yet nobody can read Howard's letters, given in Brown's life in their original bad spelling, without punctuation and without the least literary polish, and fail to see how much Howard owed to Price and to Aiken, who carried the sheets through the press, for the correct and excellent English in which his work finally appeared. It is interesting to note that, despite Howard's strong religious prepossessions, his excellent sense and his preference for the spirit and practical fruits of righteousness to any form or profession of faith, enabled him to do full justice to the worth of men like

Price and Aiken, whose theological opinions he must have seriously disliked and even anxiously deprecated. He found among Quakers, Unitarians, and other Christians, then in very bad odour, many of his chief co-operators and most respected friends.

Never was so original and costly a work—costly in the personal sacrifices and severe labours it represented, original in being the record of one observer's personal study of a subject hitherto treated only in the library by philosophers like Montesquieu and Beccaria—issued with less pretension. Printed at the author's expense in a provincial town,—and, it may almost be said, without a publisher,—given away mostly by Howard himself, it came out, without the smallest flourish of trumpets or the least aid from an expectant public, carefully manipulated by such a skill as now ushers works of importance into the reading world. And it was as modest in its pretensions, restrained in style and statement, free from rhetoric and false sentiment, as if it had been a legal document. Howard had a perfect eye for facts. He saw them, too, in a true perspective. He hated sentimentality and romance almost as he did falsehood. He was incapable, even had he been desirous, of arranging his observations in a pictorial or dramatic form. His work, therefore, is a plain, straightforward, condensed narrative of his observations upon the conditions of all the prisons he visited, with little generalisation, no philosophy, and few other comments than those of a plain practical man. But the vast accumulation of facts exhaustive of the subject, is fitted to produce an effect which no abstract and no general inferences could possibly have accomplished. He really makes his reader a fellow-traveller, and, by inspiring him with absolute confidence in his scrupulous conscientiousness as an observer and recorder, he feels that his impressions from the book are nearly or quite equal in freshness and force to those an actual circuit of all the prisons in England and Wales, and of most in Holland, France, and Switzerland would have produced.

Howard's work was received with universal favour by the public reviews and journals; and it is to be distinguished from all other works—not of a directly religious kind—by its unconscious appeal, not to an exceptional and skilled class of judges, but to the general public.

It may almost be said to have been the first successful attempt to arouse public opinion, independent of class or order, to a concern, on grounds of justice and humanity, in the treatment of a large and repugnant class of our fellow-men. It has become so common since, that the originality and boldness of Howard's course is not fully appreciated. But hitherto, then, the appeal of all social reformers had been to scholars, philosophers, statesmen. Howard addressed the ordinary intelligence of tradesmen and the great middle class. He did not shoot an inch above their heads, and still less above their hearts. The narrative form of his book adapted it to its end, and nothing but its cumbrous size and cost prevented it from a still wider circulation.

Such self-denial, such purity of purpose, such self-subsistent efforts as Howard's could not but give an apostolic character to his reputation, disarm criticism, and almost place him and his work outside the common arena of judgment. It is not too much to say that his personal character, as exhibited in his work, was itself almost a new revelation of humanity; and so moved and amazed England, that the suggestions and wishes of such a working saint needed hardly any support except its own sublime simplicity and unparalleled devotion. Martyrs dying in the cause of religion the world had known, and soon failed to reverence. But saints living through labours and dangers and sacrifices, such as Howard encountered, to soften the lot of the most degraded and opprobrious class of human beings—felons and murderers, thieves and robbers—and that without regard to country, race, creed, colour, and at no possible advantage to himself—at his own risk and cost, and without any warrant or authority but his own will; this had made an impression on the English public which was unique, complete, and without deduction. And it is no wonder that Howard's work, though its circulation was necessarily limited, should, by the aid of citations in the public press, have created what came, as near as the condition of England then allowed, to a universal interest.

Howard's work was published at an opportune moment. For fifty years learned publicists had been attacking the barbarity of the criminal law, and demanding an entire reconstruction of its code. There was almost a general agreement

among philosophical sociologists as to the inexpediency and impolicy of cruel and bloody punishments. Montesquieu, Johnson, Beccaria, Voltaire, Eden, Mably, Paley, had agreed in denouncing the prevailing criminal jurisprudence of Europe. But rulers, governments, municipal and police authorities were growing more savage and bloodthirsty in their penal usages as society grew more impatient of restraint, and more in favour of mild laws. England was specially misguided and mistaken in the absurd confidence her governors placed in the death-penalty as the only adequate deterrent from crimes, large and small.

The troubles of the Jacobite era had not ceased without letting loose a dissolute set of idle and reckless persons, lately under military orders, but now wholly unamenable to civil control. They became cut-purses, highwaymen, mail-robbers, burglars and thieves, and all England was alarmed with the increase of crimes of violence. But instead of increasing the police, or of quickening and making sure the processes of justice, to check this evil, the threat of the gallows was mainly relied on. The halter became the false and delusive guarantee for the public safety. Not merely forgery, smuggling, coining and uttering base coin, but shoplifting, stealing from barges on the river to the value of five shillings, or from a bleaching-ground to the value of ten shillings, were capital offences. Mail robbery or post-office robbery of course would be thus punished; but so were hunting and wounding deer or cattle, breaking down fish-dams, maiming trees in gardens and orchards, and finally, cutting a hop-band in any hop-plantation. In the twenty-two years previous to Howard's start upon his labours, 1,121 persons had been capitally convicted, and 678 actually executed. But the awful system had failed of any repressive effect. For the twelve years before he begun his work, capital convictions had increased. Philosophical treatises on the causes and cure of crime could avail little. They appeared; but the practical heads of governments paid no attention to them, and the people never saw them. Howard's book came in a wholly different shape. He had no theories to support, no system to maintain. He was eminently practical, not to say prosaic. He made both the government of England, and the people of England, see the inside of their prisons, and the cruelty, horror, and inefficiency of the prevailing method. He did not argue the case, but simply took the bandage from the public eyes. The govern-

ment saw the facts with almost as much astonishment as the people; and each knew that the other was acquainted with the story, and that all decent minds in all England had but one view of the case.

Before Howard's day, the science of penal law was so far before the practice that it could hardly be said that any connection between them had been established. From his day, the practice took the lead in reform, not starting from principles, but from facts; not waiting to settle disputed theories, but abandoning cruel methods, repairing terrible defects, and building up a reform, one may say, almost without reference to any settled policy, but in the light of very clear convictions that certain measures and methods were to be disapproved and certain others to be maintained. This suited the English practical sense, quieted the fears of the haters and suspects of *principles*, and enabled Howard to advance, not prison science but prison art, by a great stride, almost at once. Perhaps what was thus fortunate, considering the special object of Howard's labours—practical reform in the prisons of England—has had some offsets since; for prison reform, starting in *methods*, has since, both in England and America, abided in *methods*, and been always shy of allowing principles a controlling influence. Methods have gone on, and principles have gone on—but in separate hands—and it may be said that the great work of our day is to unite recognised and demonstrated principles with improved methods and practical discipline. We do not trust our principles enough, and we trust our methods too much.

Of Howard's next continental visit among the prisons of Holland, Germany, Austria, Italy—full of interest as it is—time fails me to speak. It only confirmed his sense of the superiority of the general European polity on the treatment of prisons and prisoners, to the English plan. It strengthened his conviction of the wrongfulness of transportation, as a shirking of the real obligation of countries to take the consequences of the crime they produced at home. He was puzzled to find countries less civilised than England, entertaining wiser and more humane views in regard to the death-penalty—which was rarer among the hot, impulsive, and vindictive races in Southern Europe than in the cooler and more deliberate races in the north, and specially than in England. His faith in

labour as the condition of all improvement in prisons, was increased, and he found no objection in the fact that prisoners welcomed hard work in the galleys as a relief from the horrors of idleness in their cells. In Holland, he was dashed to the ground and fearfully bruised by a runaway horse attached to a dray; which brought on a fever of six weeks, during which his recovery was almost despaired of. His journal exhibits an amazing trust and a most fervent desire to turn his sickness to the best account of his soul. By this time, his character and services had given him a reputation in courts and among princes—the praise of which it was his modest effort to escape. Kings, ministers, ambassadors, sought his society, and would gladly have covered him with attentions. But he never accepted personal honours willingly, and would give not a moment of time or strength to any visits of etiquette or private curiosity. He shocked the English ambassador, at a diplomatic dinner, by the freedom of his criticisms on the boast of a German noble that the emperor, Joseph II., had abolished torture. Howard complained indignantly that his dungeons were only substituting a less supportable kind of torture for the rack. ‘Hush,’ said the ambassador, ‘your words will be reported to the emperor.’ ‘What!’ he answered, ‘shall my tongue be tied from speaking the truth by any king or emperor in the world?’

In a voyage from Civita Vecchia to Leghorn, Howard encountered a fearful white squall which threatened shipwreck but, on fortunately making a harbour, in an island off the Tunisian coast, the people denied the crew or passengers leave land, from fear of the plague. Obligated to put to sea, they were driven over upon the African coast with fury; but the Algerines also refused the hospitality of their harbours to the plague-suspected ship. For three days and nights they were tossed about on an angry sea, amid inexpressible privations and perils, and finally Howard and his servant were allowed to land at Gorgona. This incident perhaps first aroused Howard’s mind to the wide-spread horrors of the plague, of which he afterwards made so costly and serious a study.

His present journey had carried him this year over 4,600 miles, but he no sooner returned to England than he set out upon a tour among the prisons of the three kingdoms, in which, between January and November, he travelled 6,990 miles.

He was rewarded by many indications of the success of his **past labours** in the general cessation of gaol-fever, and the **improvement** of the prisoners in alimentation and in cleanliness. The legislature had not slept upon the subject, and an Act had **passed** authorising the building of two penitentiaries in **Middlesex, Surrey, Kent or Essex**, to test the experiment of **home correctional discipline**.

Howard reluctantly accepted the appointment of first supervisor of this undertaking. He had the support and counsel of **Sir William Blackstone**, and was allowed to name one of his **two** colleagues, Dr. Fothergill, who unhappily died soon after **the** consideration of the proper sites was commenced. On this **point** he differed from Mr. Whalley so strongly, that, rather **than** give way, he resigned his appointment. There was in **Howard** a certain habit of solitary self-reliance which somewhat unfitted him for co-operation. He had almost too little **sense** of the necessity of yielding much to gain something, which **inheres** in all public affairs. He was probably right in his **objections** to the site his colleague was obstinate in sticking to; but his unyieldingness spoiled the whole opportunity, and the project—vastly important as a step forward in prison plans—was abandoned, for seventy years more of the old transportation plan. His obstinacy was perhaps the cause of the long Botany Bay botch.

Howard freed from English embarrassments, now set forth upon another and wider sweep of continental prison exploration. He had hitherto confined himself to the more accessible and better-known countries in the heart of Europe. He now purposed to include Denmark, Norway, Russia, Poland, Turkey, Egypt, Sicily, Spain and Portugal in his survey.

In May 1781 he embarked for Ostend. After a short stay in **Holland** he found himself in Bremen, where a workhouse for vagrant children drew forth his admiration. He saw little to like in Denmark, where he found too many chains and too much dependence on terror. But in Sweden, the disuse of irons, and the method of settling disputes among the poor in open court, by a sort of paternal jurisdiction, made up in part for his complaints of the filth in the prisons, which strongly contrasted with the cleanliness of the homes of the common people.

Stockholm was too much like London in its gaols to fill him with anything but disgust.

On arriving in Russia he declined an invitation to court, as he wished to avoid publicity, that he might, with the advantages of an incognito, see the Russian prisons in their everyday dress.

He found that the then fresh and proud boast made in favour of Russia, that capital punishment was abolished for civil crimes, had one very serious abatement, i.e., that the knout, which had been substituted for the old instrument of torture, was so cruelly and skilfully applied that a person condemned to a certain number of stripes could be easily whipped to death, if it were considered desirable to put him out of the way, and that this was really not seldom done. Howard actually witnessed the horrible punishment; and then visited the executioner and drew from him a confession of the fact that he could and did so use his whip, in certain cases, as to make the wounds fatal.

He found much to approve in the hospitals and educational establishments of St. Petersburg, and especially in a school for the daughters of poor nobles and commoners. He met with true philanthropists in the noble General De Betskoi, who shared very much his own spirit, and in General Bulgarlow, the princely founder of numerous Russian charities. He had lately received a gold medal from his countrymen as a national benefactor. He sent it to Howard, as to his superior, for he said *his* services had been confined to his own country, but Howard's took in all the world.

Howard declined an escort to Moscow and pursued his journey of 500 miles, night and day, over rough roads to that city, *travelling off a fit of ague*. He saw nothing in the prisons there to encourage his hopes. In Poland it was the same; in Silesia it was better. Berlin showed much improvement since his last visit. It was in Prussia that he exhibited his jealousy for his own rights, by sitting obstinately in his carriage, blocking the way against a public courier, who had commanded Howard's driver to back out of a road that did not admit of two vehicles passing. The courier's duty was to have blown his horn on entering, to warn all comers to wait his exit. Having failed in this, Howard's sense of justice would not allow him

to yield the way, and, spite of all the courier's threats, he compelled him to back out himself. His firmness and courage where he was right were absolute.

Returning to England, by way of Hanover, Holland, and the Austrian Netherlands, Howard gave his first attention to his son's education, which he finally settled should not be in Eton, from doubts as to the moral and religious control exercised over the youth in that famous school. He placed him under the care of a minister at Notts; and then began a new tour of prison inspection through his own country—in which he spent a whole year of unintermitted labour. The value of his observations is considerable, but I must pass it by. Howard had not visited Spain and Portugal, as he had intended, in his last tour, and to these countries he now directed his way. They had already abolished imprisonment for debt in Portugal; the sexes were separated, and prison fees were mitigated—but the long imprisonment before trial he found a great cruelty. There was great informality in the usages—criminals condemned to death being often kept years waiting execution which came at last; and even sometimes persons condemned to die were at large on parole, and, after a long interval of perfect freedom, one had returned to answer a summons for execution and been pardoned for his heroic fidelity to his promise. This was truly Spanish in its grandeur. He found Spain] *abounding* in charitable institutions, and containing *few* beggars—an unusual conjunction, we must think—the gaols were dirty, irons common, torture still used. His hitherto baffled desire to see the prisons of the Inquisition, was partially satisfied in Madrid—but although he declared he would submit to a month's imprisonment in one of the cells to fully satisfy his curiosity, he objected to the conditions offered—which were, *three years'* imprisonment and a promise of secrecy on coming out.

Passing through France on his way homeward, he caught a violent fever in the debtors' prison in Lille, which yielded to his patient and brave spirit in ten days. He continued his course through Amsterdam, Antwerp, Brussels, to Ghent, where he found a sad decline in a prison he had left only two years before, clean, orderly, and with all the prisoners at work, but of which, filth, idleness and disease had now taken possession. Joseph II., yielding to the old cry, that labour in prisons injured

honest industry out of gaol, had ordered all manufactures *in* the prison to cease ; and still more blindly, judging that filth and pestilence added to the useful horror of the gaol, had required that less cleanliness and care should be used in all his prisons.

Howard returned to England in June, and, after his usual method of always looking into the prisons at home as soon as possible after a sight of foreign prisons, he made a fresh tour of home visits, and published the results of his late observations in a second appendix to his work.

Howard gave himself now a short breathing-space at Cardington, looking after his tenantry, his son, and his private affairs, and perhaps thinking he had brought his public labours to a final close. But if so, he did not know himself. Twelve years of restless devotion, 42,000 miles of travel, and £30,000 spent in the service of prisoners, had only deepened his love for his work and made its continuance a moral necessity for a man of his temperament and feelings. Besides, he was haunted by the idea which his experience of the Plague-shadow—for the substance he had not encountered—had left darkly upon his conscience. Brooding over the subject and getting all the scanty knowledge he could harvest about lazarettos ; obtaining, too, sets of questions to be answered, from medical friends like Aiken and Jebb ; he set out in November 1785, to make a personal investigation of the lazarettos of the Mediterranean.

Spitefully denied permission by France to inspect the most important of all the lazarettos, the one at Marseilles, or even to pass through France, under penalty of the Bastille, whose horrors he had exposed, Howard resolved upon a disguise—a physician's costume—and in it made his way safely to Paris. He was betrayed to the police by a fellow-traveller, and visited in his lodgings by an agent of the Prefecture, but by address succeeded in escaping from the house, his trunk on his back, made his way to the diligence-office, and before daylight was on his way to Marseilles. It was wholly due to the famous Le Noir's absence from Paris, and to an accident that Howard escaped detention, for it turned out that his movements were then fully known and watched. To maintain his incognito was easier than to support his assumed character, for his supposed medical skill was often called on. It is a puzzle how so frank,

straightforward, and conscientious a man as Howard acted well any part not his own; but his consuming desire for knowledge and furtherance in his great errand, seems to have almost changed his nature, and made him an actor. He stayed in Marseilles, against the protests of the few friends he trusted with his secret, and who knew his peril, long enough to obtain full drawings of the building, and a sufficient acquaintance with the working places of the lazaretto. Escaping by sea, he visited Toulon, and there played the part of a fine gentleman, dressed in the latest French style—of all parts, one of the most difficult we should have said for the simple and severe Howard to assume; thence, with valuable additions to his information, he got to Nice and to Genoa, and so to Leghorn by sea. The governor accompanied Howard on his visits to the lazarettos of San Roecco and San Leopoldo—then reputed the best models in Europe. He missed, however, from want of time, the chance offered by the grand Duke Leopold, of meeting a prince whom he called, from his observation of his government, ‘the true father of his country.’

From Leghorn, Howard proceeded through Florence to Rome, where he had an interview with Pope Pius VI., and, though he stipulated that no homage was to be exacted of him, he received the good man’s blessing. A visit to Malta, which gave him a poor idea of the christian principles of the Knights of St. John, set him on his way for Zante, Smyrna and Constantinople. He already began to experience, from his visits to the lazarettos, a heavy headache, which only increased his zeal to investigate the causes of the plague, while it summoned up all his courage and resolution. He made a Maltese baron’s motto his own for the nonce, ‘non nisi per ardua.’

At Zante he remarked with approbation the recognition of the distinction, whose importance no man felt more strongly, between *detention* and imprisonment. Debtors and criminals were there kept wholly separate.

It was in the middle of May 1786 when he first stood on Asiatic ground, and in a place where the plague was endemic—Smyrna—a fact sufficiently accounted for by the total neglect of sanitary rules. He sustained his character as a physician by answering calls upon his medical skill, and was fortunate enough to save some patients by simple remedies. At Constantinople,

for a whole month, he freely exposed himself to the plague, then actively raging, by fearless visits to pest-houses, hospitals, and jails. His impunity, due partly to his careful diet, his scrupulous cleanliness, and his common sense, which despised the fatalistic superstitions of the people, was still more due to his moral courage, his spiritual elevation, and his generous aims, which invested him, as they do all greatly exalted souls, with an invincible and mysterious panoply. He won the heart of a powerful Mussulman by curing his daughter after her case had been abandoned by the native physicians, and by rejecting his 2,000 sequins which the grateful Turk sought to force upon him. A handful of grapes was all he would receive ; and he meanwhile obtained the favour of the people by his successful and vigorous efforts to secure them a just weight in the bread they bought of extortionate bakers.

Not yet satisfied with his perilous explorations, Howard now abandoned his plan of returning by a safe route through Austria and formed the heroic purpose of returning to Smyrna, where the plague was at its height, that he might take passage on an infected ship, be ordered on arriving at his Adriatic port into a strict quarantine, and so be allowed to suffer and learn all the minutest experiences of the lazaretto.

Embarking at Smyrna, on an infected vessel bound for Venice, the vessel on its tedious voyage was attacked, off Moden in the Morea, by a Barbary privateer, Venice being then at war with Tunis. The Venetian crew fought bravely, but were about abandoning their defence against their more powerful enemy, when Howard's English blood and indomitable resolution came to the rescue. He assumed command of the only large gun aboard, and, filling it to the muzzle with nails and spikes, waited the nearest approach of the corsair and fired into her crew with such deadly effect, that one discharge discouraged the enemy and put him to flight. It was probably the only gun Howard ever aimed or fired, and God must have directed the shot. Howard had no morbid regrets at his part in this deadly fray, and showed himself a man of as vigorous sense as he was of kind and philanthropic feelings.

At Venice Howard went into forty days of rigorous quarantine in the lazaretto, as he had sought and wished, and there acquired that intimate knowledge of all the details of the laza-

retto, of which he has given so full a report in the third volume of his great work. Two pieces of trying news from home reached him while suffering his perilous but voluntary durance in the lazaretto : one, that his numerous devoted admirers and proud friends in England were collecting, by voluntary contributions, the means of erecting a statue to his honour, probably in St. Paul's ; the other, that his son had behaved himself in a violent and disgraceful way, and was suspected of a disordered intellect. It is difficult to say which of these very dissimilar, and to most men wholly contrasted, pieces of intelligence gave Howard the acutest pain. He directed his largest attention to the only one in which he felt that his own wishes and action might produce an effect. He lost not a moment in protesting against the injury which he felt the proposed honour of a statue must do his influence and his reputation. Howard was not insensible to public praise, nor unconscious of his proud place in the world's affections. He had felt the sweetness of the recognition which his country's Parliament had accorded him ; and he valued the love and reverence which he could not conceal from himself, that he everywhere, except in France, received from the nations and peoples he visited. But he was justly sensitive to all efforts to make him in any way a party to his own glory. His self-respect was too nice and high to allow him to receive any honours which partook of the nature of flattery, or which it was within his own will to decline. He justly suspected the kind of machinery with which people, often only with an eye to their own importance, enter into schemes for promoting the honour of public benefactors. How vain, to a man of his prodigious services and his conscious self-devotion, must have seemed the doubtful honour of a statue erected in his lifetime in the city of London ! He had, too, from the very beginning a somewhat mercantile sensibility to any application of other people's money to the furtherance either of his journeys, his charities or his personal honour. Wages, salary, gifts, he had obstinately refused under all circumstances, and a subscription of money for a statue in his honour wounded the most sensitive chord in his proud and self-sustained, or heaven-sustained, nature. He wrote his friends letters full of entreaty and remonstrance, begging them, if they had any regard for his feelings, to stop the subscription ; and disowning and for-

bidding the use of his name in connection with it. It *was* stopped, and a large part of the money returned to the subscribers. A portion which the donors refused to receive back—for they could not appreciate his scruples, and thought his delicacy ought to be forced—was afterwards used in liberating fifty-five poor debtors; while another portion, after Howard's death, went towards the erection of the statue—the first in St. Paul's—*which gratefully and properly commemorates England's gratitude for his unparalleled services, and her pride in his spotless name and exalted humanity.

Howard could do nothing but hope that the reports of his son's condition had been exaggerated. He suffered severely from parental distress and anxiety, but it was not his nature to indulge feelings that had no vent in action, and lead only to paralysis of will or waste of strength. He committed his son to the mercy and care of the God he wholly trusted. His anxieties did not prevent him from a minute thoughtfulness about his tenants, and detailed directions as to the little sums he wished appropriated to the relief of the neediest and most deserving among them.

Armed with his costly experience, laden with plans and with knowledge, Howard now started for home. At Vienna, where he was reluctantly detained by his weakness, he had an interview with Joseph II., creditable in its directness, simplicity, and earnestness to both parties—and in which it would be difficult to say which took the more kingly part.

Howard then hastened home, and reached Cardington in February 1787 to find his son a maniac. He did not even recognise his father, and the only resource was to leave him in the hands of private keepers, while Howard went up to London, to prepare and publish his work on the lazarettos.

This was not done, however, until Howard had spent a year and a half in a final inspection of all the jails in the British Islands. In six months more, during which his son's insanity

* Charles Lamb, in his description in one of the papers of 'Elia,' of 'Christ's Hospital five-and-thirty years ago,' after describing the cruelty practised upon children, in confining them for small offences in a solitary cell, with little light, broken only by a chastisement twice a week he was called out to receive, puts, in a foot-note, this aspersion on Howard—'This fancy of dungeons for children was a sprout of Howard's brain: for which (saving the reverence due to Holy Paul) methinks I could willingly spit upon his statue.'

only increased in hopelessness, he had completed his second volume. His son, who never improved except for a deceptive moment, lingered on and died in a lunatic asylum, long after his father's decease, on April 24th, 1799.

Howard's home had been so desolated that there was nothing now but the memory of his wife to hold him to it. He could not be idle nor fail to use the remnant of his strength in the old science, and he therefore resolved to go abroad again upon a perhaps wider tour of observation than he had previously accomplished. Russia, Turkey, and the East, were within his scope. He undertook this new journey under a deep sense of duty, but also with a prevision that he should not return from it to his native land. He did not deceive himself as to his impaired vigour, however much his calmness and freedom from all complaints may have misled his few personal friends. He took a tender farewell of Cardington and his old tenants, made his will, dated May 24th, 1787, providing for the poor in Cardington and Croxteth, and leaving in trust a handsome sum for the relief of poor debtors and prisoners, besides perpetuating his schools. His landed estate, left in trust for his son, should he recover, was, in failure of that improbable event, to go to the next heir, Howard Channing (names one loves to see together). In fact, the estate finally fell to C. Whitbread, Esq.

His partings with his old servants and his few choice friends, like Price and Aiken, were patriarchal in simplicity and full of religious submission, though haunted with a too fateful foreboding.

On July 5th, 1789, he left England. By way of Amsterdam, Hanover, Brunswick and Berlin, Königsburg and Riga, he reached St. Petersburg, and visited all the hospitals there and on the way. Having become deeply concerned at the destructive effects of the military system of Russia upon the lives of soldiers in barracks and on forced marches, he repaired to Kremenschuk, a town on the Dnieper, to visit a new hospital lately erected for their relief. Greatly dissatisfied with his observation, he went down the river to Cherson, to pursue his inquiries in other military hospitals. His comments on the sufferings of the soldiers give rise to one of the few very tender and discursive passages not on a strictly religious theme, to be found in his remains. (See p. 388, 'Dixon's Howard.') A war

between Russia and Turkey was now in active process, and Cherson was crowded with officers on leave, who had been permitted to quit the winter-embargoed army at Bender, just fallen into Russian hands. But the gay city, amid its Christmas festivities and military galas and rejoicings, was suddenly smitten with a virulent and infectious fever. Howard could not but feel himself in his natural element in this peril, and he devoted himself to the poor, who were the easiest victims of the fever. He reluctantly, however, allowed himself to be drawn out of town twenty-four miles to visit a young lady, whose friends, losing all hope of her recovery from the physicians of the place, had piteously implored his medical attendance.

Howard, like Wesley, whom in so many respects he resembles, had an unhappy confidence in his medical experience, fortified by many lucky escapes of patients in his unscientific hands. He could not resist the appeal to his humanity, fortified by this appeal to his medical vanity, and went, against his judgment and with a doubtful economy of his time and strength, to see the patient who had so lately been an ornament of the ball-rooms of Cherson. She seemed to profit by his prescriptions ; but after he left, in a day or two, relapsed into a more dangerous condition than before. Howard was notified of her condition and earnestly summoned to her side. The message did not reach him for eight days. The night was dark and the rain fell in torrents, but he set forth on a dray-horse, in the absence of all other conveyance, and rode to the place to arrive thoroughly drenched and benumbed with cold. His patient was dying, but he attempted to save her by exciting perspiration, and watched, some hours, the effect of his medicines. It was supposed afterwards that he inhaled the poison of his patient's disease, by solicitously hanging over her couch. Howard thought he knew just when he breathed in the infection. The patient died the next day.

Howard showed no immediate signs of having contracted disease. He was weary and weak, but he dined with Admiral Mordvinoff a few days after, and stayed later than was usual with him. On returning to his lodgings he felt unwell and took his usual restorative, a dose of sal volatile in a little tea. He was not relieved, and repeated the dose at four in the morning without effect. He was worse during the day, and

by night under the influence of a violent fever, which he treated with 'James's powders.' On January 12th, he had a fit and was insensible for half an hour. By this time his friends were concerned enough to secure him the highest medical skill in the city. Prince Potemkin, Catherine's favourite, sent him his own physician.

Howard grew worse in spite of all this care, and felt his danger. 'I am faint and low,' he says 'yet, I trust in the right way pursuing, yet too apt to forget my Almighty friend and God,' yet he evidently still believed he might rise up from his attack. On the 17th, he had a second fit, and his fate seemed to himself sealed. On the 20th, Admiral Priestman—an Englishman who had entered the Empress's service—found him not in bed, but sitting up and hugging a small stove in his bed-room, very weak and low. Still, he could not believe his death was near, and tried to divert him. Howard rebuked him. He would not be deceived, and he trusted his own judgment to the last more than that of physician or friends. He said he had reduced his habitual living too low to enable him to fight the fever successfully by any additional abstinence—that death was at hand;—and the thought of it was without terrors, and conversation about it the most agreeable of themes. He designated the spot, near by, where he wished to be buried, and begged Priestman to see that no pomp attended his funeral, 'nor let,' he added, 'any monument nor monumental inscription whatsoever be made to mark where I am laid; but lay me quietly in the earth, place a sun-dial over my grave, and let me be forgotten.' He begged the Admiral to go at once and solicit from the proprietor of the spot he had selected for his funeral room for his grave. Reluctantly he went, not half persuaded of the necessity of any such melancholy arrangement, but driven by Howard's urgency. In his brief absence came a letter to Howard, giving bright hopes of his son's recovery. It was his dying consolation, next to his perfect faith. He prayed earnestly for his son, and sent him tender messages by his servant. Priestman returned successful towards evening, and found Howard sensible enough to converse. Taking the letter he had just brought to his bosom, he said, as the Admiral glanced at it, 'Is not this comfort for a dying father?' He

words only after this, but remained quiet, seemingly unconscious, but with now and then an indication of knowing what was said and done, until about eight o'clock the next morning, January 20th, 1790, when John Howard gave up the ghost.

On his birthday, June 1787, Wesley writes, 'I had the pleasure of a conversation with Mr. Howard, I think one of the greatest men in Europe. Nothing but the mighty power of God can enable him to go through his difficult and dangerous employments.'

That Wesley impressed Howard in much the same way is evident from what he said to Alexander Knox. 'I was encouraged by him (Wesley) to go on vigorously with my own designs. I saw in him how much a single man might achieve by zeal and perseverance; and I thought, why may not I do as much in my way as Mr. Wesley has done in his if I am only as assiduous and persevering? and I determined I would pursue my work with more alacrity than ever.' Howard in early life had heard Wesley preach in Bedfordshire, and was deeply impressed with his discourse. In 1789, he called at Wesley's house in London, to present him with his latest publication, 'An Account of the principal Lazarettos in Europe,' in quarto; but Wesley was not at home. 'Present,' said he, 'my respects and love to Mr. Wesley; tell him I had hoped to have seen him once more; perhaps we may meet again in this world, but, if not, we shall meet, I trust, in a better.' *

There are two characters belonging to the last century, who may be said in different ways to have left a stronger impression on the world than any other two men of their time, who were not connected with political, scientific, economic, or literary affairs; both Englishmen, both cosmopolites, and both originators of movements that have swept over the whole face of the earth, and drawn the admiration and sympathy of successive generations to their respective undertakings; but men whose influence continues and increases; who have taken their places among the permanent ornaments and benefactors of their race—John Wesley and John Howard. Wesley, the elder, was born in 1703 and died in 1791. Howard was born in 1726 and died 1790, one year only before his great contemporary. They re-

* See Tyerman's *Life of Wesley*, vol. iii. p. 495.

sembled each other even in person, both being men of light weight, spare, under-sized, and of ascetic and self-denying habits. Both were men unconformed to the world, and living habitually in view of another state of being; both intensely religious and Christian in faith and temper; both eaten up with a zeal for the welfare of their fellow-creatures; both self-subsistent and self-relying men, so far as dependence on human sympathy is concerned. Both were men of immense powers of work, who never spared themselves when personal sacrifices of ease, sleep, food, society, friendship, could advance their unselfish aims. Both possessed unflinching courage, and met the prejudices, passions, and perils of unpopular causes, and of rude and violent classes, with the firmest, calmest, and most controlling will. Both were equally marked by invincible convictions, a single and undeviating aim, an indomitable resolution which success could not intoxicate nor opposition tame. Both were practical men of great executive ability, aiming at clear and definite ends, with clear-cut purposes, and little embarrassed by speculative misgivings, self-distrust, or deference to others' opinions. Both relied mainly upon their own personal judgment, their own personal exertions, their own self-sacrificing spirit and labours for their success. Both were intensely protestant in their principles and intensely papal in their sense of infallibility—men who could only lead, not follow; govern, not obey. Both were wholly consecrated to their aims, above the temptations of riches and honours; holding pomp, place, ostentation, ease, money, applause, in contempt, and freely spending all they possessed or created, at the service of the needy. They both lived on horseback, and were, in an age of obstructed intercourse, ubiquitous—travelling by night and by day, with a speed practically equal to that which even modern facilities afford to self-indulgent travellers; careering through these three kingdoms, and into the remotest parts of the islands, in a way to make themselves equally at home in city and hamlet, among the rich and the poor.

Wesley is computed to have journeyed a quarter of a million of miles on his voluntary itineracy, chiefly on horseback; and Howard probably travelled in the same way, in a life twenty years shorter, half as far. But what he lacked in miles was made up in the variety of the countries he visited, the scope of

the circuits he made, the character of the obstacles and perils he encountered, and the solitary nature of his pursuits. Considering that his public work was confined within sixteen years, was begun in middle life, and ended at the natural period of human existence, he perhaps exceeded in the intensity of his labours and sacrifices, for the time he was engaged in it, any equal period in Wesley's laborious life. But Wesley began his work at twenty-six, and continued it to eighty-eight, with almost equal spirit and activity from the beginning to the close—an unexampled miracle of toil and persistency.

Wesley encountered personal passions, hatred, scorn, violence, ignorance, and contempt, was pelted with stones and garbage, with lampoons and polemic abuse; had knives and pistols drawn upon him; encountered mobs and soldiery—was in frequent danger of his life. Howard faced dangers more fearful to brave men—gaol-fever, pestilence, plague, and the apathy of all the best portion of society. Mobs and persecution might have supported his courage by the anger and defiance they rouse, but he needed no such stimulants. He was brave, without witnesses or visible enemies; without excitement or organised opposition: not braver than Wesley, for who could be? but as brave under more depressing circumstances. Wesley's weapon was his tongue, cloven with the flame of the Holy Spirit. With it alone he carried his way through all opposition, calming tumultuous mobs with its spell; subduing violent and wicked spirits with its divine meekness and power, and converting, like the first apostles, thousands in a day. And what his never-silent nor weary tongue did not accomplish, his ever-active pen did—keen, plain, with less ink and more blood in it than any pen that ever wrote so much—a pen that uttered things not words, terse, unornamented, wholly to the purpose, vigorous and decisive. Howard had no cunning in his tongue nor in his pen: not a man of thought nor of words, but a man of action; his weapon was an eye to see, to search, to penetrate to the very bottom, to pursue into every hiding-place the evil and curse that had aroused his mingled sense of justice and humanity. He hunted down the prison wrongs of the world with the chivalric devotion of a Spanish knight, or the spirit of Sir Lancelot, in solitary pursuit of the Holy Grail. He collected facts with the zeal, the labour,

and the patience of a modern Darwin, in solitary explorations in distant countries whose tongues he did not speak, and from the deepest dungeons, the most poisoned plague-spots, the dreariest and most hateful holes, in which the moral and social fungi, whose natural history he sought, were to be studied and described. Slow and deliberate, cautious and intent, he spared no pains, he shunned no dangers, he left unturned no stone, he hurried to no conclusion, he repeated his observations, he examined and re-examined his facts; and then, without art, circumlocution, rhetoric, or self-display, mainly by the aid of others, laid them calmly before the little world who then read books and left them to work their effects.

Wesley was an organiser of the first order. He knew how to win, how to hold, and how to use other men. Solitary in plan and purpose, he was eminently social in method and co-operative in means. He builded as fast as he collected materials. It was no disembodied, uninstituted work, the diffusion of ideas as a spirit, that occupied his formative and shaping brain. He was a churchman in every fibre, and he aimed at visible, methodic ends—the great methodist, who swept thousands of the ablest and most earnest souls of his generation into the ranks of his cause, organised them with an almost military drill, uniformed them with precise opinions, badged them with similar phrases and methods, and left them a distinct corps in the Church Militant, with a polity of their own, to make conquest at last of twelve millions of people, who are destined to multiply into scores of millions before the life Wesley gave them has found any superseding rival or absorbent. Howard was a prophet and not a priest; a prophet of action, no organiser, no founder; an impulse, an example; an alarm-bell; a trumpet heard in the night. He was a sort of John Baptist, his meat locusts and wild honey, crying in the wilderness, ‘Repent, repent.’ Solitary, difficult to work with, and wholly lonely in labours and in aims, he built up no work—he laid the foundations of no scheme—he became the architect of no system. But he drew the attention of the world and fastened it upon the cruelties, the inefficiency, and the inhumane and unchristian character of the dark prison territory. Nay, by his exalted devotion, the noiseless enthusiasm of his labours, the purity and intensity of his zeal, his absolute, uncalculating humanity,

he made his name not only a landmark but an inextinguishable voice—which has ever since sounded through the nations—demanding attention to prisoners' rights and claims. He who can thus gild his own name with mercy and truth, until it shines over all lands with the glory of an unsetting constellation—who can turn its very letters and syllables into a universal language, until it becomes a spell, a synonym for humanity, a rally for the prisoner's relief—has joined the small company of the immortals in human history, and is among the saints, apostles, martyrs, who stand nearest to the Head of the glorious company in heaven.



